

In the Supreme Court of the United States

No. 26A_____

ASTRAZENECA UK LIMITED, ET AL., APPLICANTS

v.

JOSHUA ATCHLEY, ET AL.

**APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION
FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT
OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT**

To the Honorable John G. Roberts, Jr.
Chief Justice of the United States
and Circuit Justice for the District of Columbia Circuit

Pursuant to Rules 13.5 and 30.2 of this Court, counsel for applicants¹ respectfully request a 30-day extension of time, to and including August 21, 2026, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the District of Columbia Circuit in this case. The court of appeals entered its judgment on January 23, 2026. App.1a. The court of appeals denied the petition for rehearing en banc on April 23, 2026. App.38a. Unless extended, the time for filing a petition for a writ

¹ Applicants are: AstraZeneca UK Limited, AstraZeneca Pharmaceuticals LP, GE Healthcare USA Holding LLC, GE Medical Systems Information Technologies, Inc., GE Medical Systems Information Technologies GmbH, F. Hoffmann-La Roche Ltd, Genentech, Inc., Hoffmann-La Roche Inc., Johnson & Johnson, Cilag GmbH International, Ethicon Endo-Surgery, LLC, Ethicon, Inc., Janssen Ortho LLC, Janssen Pharmaceutica N.V., Johnson & Johnson (Middle East) Inc., Ortho Biologics LLC, Pfizer Inc., Pfizer Enterprises SARL, Pfizer Pharmaceuticals LLC, Pharmacia & Upjohn Company LLC, and Wyeth Pharmaceuticals LLC.

of certiorari will expire on July 22, 2026. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1).

1. This case presents important questions of statutory interpretation involving the Antiterrorism Act (ATA).

The ATA provides U.S. nationals injured “by reason of an act of international terrorism” with a civil cause of action against the perpetrators of that act as well as “any person who aids and abets, by knowingly providing substantial assistance, ... such an act.” 18 U.S.C. § 2333(a), (d)(2). The ATA sets a high bar for liability. As this Court held in *Twitter, Inc. v. Taamneh*, the “conceptual core” of ATA aiding-and-abetting liability is that defendants “consciously and culpably participated in” the “act of international terrorism that injured the plaintiffs” “so as to help make it succeed.” 598 U.S. 471, 493, 495 (2023) (cleaned up). In other words, there must be a concrete nexus between a defendant’s aid and the specific attacks against plaintiffs, unless the defendant’s aid was systemic and pervasive.

In this case, plaintiffs have alleged that some of the world’s largest pharmaceutical and medical-device manufacturers and suppliers committed or aided and abetted acts of international terrorism. The case has already been before this Court once. After the D.C. Circuit reversed the dismissal of all claims, the Court granted certiorari, vacated the D.C. Circuit’s judgment, and remanded for reconsideration in light of *Taamneh*. That remand was necessary because, as the United States explained, the D.C. Circuit had failed to trace a “definable nexus” between defendants’ alleged provision of pharmaceuticals and medical devices and the specific attacks that injured plaintiffs. Brief of the United States at 14, *AstraZeneca UK Ltd. v. Atchley*, No. 23-9 (U.S. May 21, 2024) (quoting *Taamneh*, 598 U.S. at 503). Absent that nexus, the United States explained, the panel should have required a “greater showing” of “intentional aid that substantially furthered the tort.” *Id.* (second phrase quoting *Taamneh*, 598 U.S. at 506). Yet on remand the D.C. Circuit resuscitated plaintiffs’ claims despite acknowledging that plaintiffs cannot “trace” whether or how any of applicants’ resources facilitated “specific attacks.” App.34a. In doing so, the D.C. Circuit

misapplied *Taamneh*'s guidance on aiding-and-abetting liability, ignored the views of the United States, and split with other circuits' decisions regarding the standards for direct and aiding-and-abetting liability under the ATA. Applicants will therefore seek this Court's review for a second time.

2. In October 2017, plaintiffs filed this lawsuit, alleging that 21 major pharmaceutical and medical-device companies committed or aided and abetted acts of international terrorism. Plaintiffs or their family members were allegedly injured during the Iraq War while fighting the militia Jaysh al-Mahdi. Jaysh al-Mahdi is not a U.S.-designated foreign terrorist organization but allegedly received training, weapons, and religious inspiration from Hezbollah, a designated terrorist group. Plaintiffs allege that Jaysh al-Mahdi supporters infiltrated the Iraqi Health Ministry in the mid-2000s and diverted Ministry resources to sell on the black market to raise funds that were, in turn, used to facilitate attacks on U.S.-military personnel.

In furtherance of U.S.-government efforts to rebuild war-torn Iraq, some defendants allegedly sold medicine and medical goods to the Iraqi Health Ministry during that period. Other defendants allegedly manufactured these goods or their components. Plaintiffs allege—and defendants deny—that some defendants bribed Ministry officials, sometimes in the form of free medical goods. Plaintiffs claim that these transactions either were themselves acts of international terrorism or amounted to knowingly providing substantial assistance to acts of international terrorism.

3. In July 2020, the district court dismissed the complaint. *Atchley v. AstraZeneca UK Ltd.*, 474 F. Supp. 3d 194, 200 (D.D.C. 2020). The court rejected plaintiffs' direct-liability theory for lack of proximate causation. *Id.* at 209. The Health Ministry's "intervening role" severed any "causal chain." *Id.* at 210.

On aiding-and-abetting liability, the court dismissed plaintiffs' claims because Jaysh al-Mahdi is not a designated foreign terrorist organization. *Id.* at 211. Hezbollah's alleged "general support" to Jaysh al-Mahdi did not transform every Jaysh al-Mahdi attack into

one “planned” or “authorized” by Hezbollah. *Id.* In the alternative, the court rejected aiding-and-abetting liability for lack of knowing and substantial assistance, given that defendants did not “assum[e] a role in ... terrorist activities.” *Id.* at 214 (citation omitted).

4. In January 2022, the D.C. Circuit reversed. *Atchley v. AstraZeneca UK Ltd.*, 22 F.4th 204, 209 (D.C. Cir. 2022). On direct liability, the court held that plaintiffs adequately alleged proximate causation. *Id.* at 226. The court deemed irrelevant whether defendants were “one step removed from the terrorists.” *Id.* at 229 (citation omitted).

On aiding-and-abetting liability, the court first held that the complaint adequately alleged that Hezbollah “planned or authorized” every Jaysh al-Mahdi attack despite being “more in the background” for the vast majority. *Id.* at 216-17. In the court’s view, the “provision of weaponry, training,” or even “religious authority” amounted to planning or authorizing each specific attack. *Id.* at 218-20.

5. After the court of appeals’ decision, this Court decided *Taamneh*, 598 U.S. 471. The Court held that, to be liable for aiding and abetting under the ATA, a defendant must have “consciously and culpably participated in [the] wrongful act” that injured the plaintiff “so as to help make it succeed.” *Id.* at 493 (cleaned up). Defendants sought certiorari, urging the Court to grant, vacate, and remand for reconsideration in light of *Taamneh*. After calling for the views of the Solicitor General, the Court granted, vacated, and remanded.

6. On remand, the D.C. Circuit again held that plaintiffs’ claims for aiding-and-abetting liability could proceed. As to nexus, the court acknowledged that plaintiffs’ allegations do not “trace” defendants’ aid to any of the “specific attacks” at issue here. App.34a. But the court deemed general “financial assistance” to Jaysh al-Mahdi sufficient because “money is fungible” and attacks in the region were “predictable.” App.21a-23a (cleaned up).

The court also reaffirmed its culpability holding. The court held that to establish culpability, plaintiffs need not allege intent to aid terrorism, even where, as here, the nexus is “indirect.” App.25a, 34a. The court concluded that plaintiffs can establish culpability by

alleging “affirmative” or “unusual” conduct like bribery, even if that conduct does not suggest that defendants intended to aid any attacks. *See* App.25a, 29a-31a.

The court also reinstated its proximate-causation holding for direct liability. App.35a-36a.

7. Counsel for applicants respectfully request a 30-day extension of time, to and including August 21, 2026, within which to file a petition for a writ of certiorari.

This case presents significant and complex issues regarding the proper interpretation of the ATA. In a single case, over 1,250 plaintiffs have joined claims against twenty-one defendants, which are located in five countries. Preparing the petition will require significant coordination between applicants and their various counsel, who will need to review and approve any petition. Additional time is therefore needed to prepare and print the petition in this case.

Respectfully submitted,

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JULY 10, 2026

CORPORATE DISCLOSURE STATEMENT

Applicants AstraZeneca UK Limited and AstraZeneca Pharmaceuticals LP are wholly owned indirect subsidiaries of AstraZeneca PLC. AstraZeneca PLC is a publicly held company. Upon information and belief, no publicly held corporation owns 10% or more of its stock. No other publicly held company owns 10% or more of the stock in AstraZeneca UK Limited or AstraZeneca Pharmaceuticals LP.

Applicant GE Healthcare USA Holding LLC is owned by Applicant GE Medical Systems Information Technologies, Inc., which is not publicly traded. Applicant GE Medical Systems Information Technologies GmbH is wholly owned by GE Healthcare Holding Germany GmbH, which is not publicly traded. GE Healthcare USA Holding LLC and GE Medical Systems Information Technologies GmbH's ultimate parent is GE HealthCare Technologies Inc. GE Medical Systems Information Technologies, Inc. is a wholly owned indirect subsidiary of GE HealthCare Technologies Inc. GE HealthCare Technologies Inc. is a publicly held company. Upon information and belief, no publicly held company holds 10% or more of its stock. Upon information and belief, no other publicly held company owns 10% or more of the stock in GE Healthcare USA Holding LLC, GE Medical Systems Information Technologies GmbH, or GE Medical Systems Information Technologies, Inc.

Applicants Cilag GmbH International, Ethicon Endo-Surgery, LLC, Janssen Ortho LLC, and Ortho Biologics LLC, are indirect subsidiaries of Applicant Johnson & Johnson. Applicants Ethicon, Inc., Janssen Pharmaceutica NV, and Johnson & Johnson (Middle East) Inc. are wholly owned subsidiaries of Johnson & Johnson. Johnson & Johnson is a publicly held corporation. Upon information and belief, no publicly held corporation owns

10% or more of its stock. No other publicly held company owns 10% or more of the stock in Ethicon Endo-Surgery, LLC, Janssen Ortho LLC, Janssen Pharmaceutica NV, Ortho Biologics LLC, Ethicon, Inc., or Johnson & Johnson (Middle East) Inc.

Applicants Genentech, Inc. and Hoffmann-La Roche Inc. are wholly owned subsidiaries of Roche Holdings, Inc. Roche Holdings, Inc.'s ultimate parent, Roche Holding Ltd, is publicly traded. Applicant F. Hoffmann-La Roche Ltd is a wholly owned subsidiary of Roche Holding Ltd. Upon information and belief, no publicly held company owns 10% or more of Roche Holding Ltd's stock. No other publicly held company owns 10% or more of the stock in Genentech, Inc., Hoffmann-La Roche Inc., or F. Hoffmann-La Roche Ltd.

Applicant Pfizer Enterprises SARL has merged into Pfizer Holdings International Luxembourg (PHIL) SARL, a wholly owned subsidiary of Applicant Pfizer Inc. Applicants Pharmacia & Upjohn Company LLC and Wyeth Pharmaceuticals LLC are indirect, wholly owned subsidiaries of Pfizer Inc. Pfizer Inc. is a publicly held company. Upon information and belief, no publicly held corporation owns 10% or more of Pfizer Inc.'s voting shares. Applicant Pfizer Pharmaceuticals LLC is an indirect, wholly owned subsidiary of Viatris Inc. Viatris Inc. is a publicly held company. Upon information and belief, no publicly held corporation owns 10% or more of Viatris Inc.'s voting shares. No other publicly held company owns 10% or more of the stock of Pfizer Enterprises SARL, Pharmacia & Upjohn Company LLC, Wyeth Pharmaceuticals LLC, or Pfizer Pharmaceuticals LLC.

July 10, 2026

/s/ Lisa S. Blatt
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