No. _____

In the Supreme Court of the United States

VAPOR TECHNOLOGY ASSOCIATION and SOUTHSIDE VAPE, LLC,

Applicants,

v.

ALAN SPENCER, in his official capacity as Chairman of the Alabama Alcoholic Beverage Control Board; MELISSA MORRISSETTE, in her official capacity as a member of the Alabama Alcoholic Beverage Control Board; JOHN KNIGHT, in his official capacity as a member of the Alabama Alcoholic Beverage Control Board; HAL TAYLOR, in his official capacity as Secretary of the Alabama Law Enforcement Agency; CHRIS INABINETT, in his official capacity as Director of the State Bureau of Investigation; and MARY MARTIN MITCHELL, in her official capacity as Commissioner of the Alabama Department of Revenue,

Respondents.

APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF ALABAMA

To the Honorable Clarence Thomas
Associate Justice of the Supreme Court of the United States and
Circuit Justice for the Eleventh Circuit

Erin B. Edwards
LEHOTSKY COHN LLP
3280 Peachtree Rd. NE
Atlanta, GA 30305

Jonathan F. Cohn
Counsel of Record
Shannon G. Denmark
LEHOTSKY COHN LLP
200 Massachusetts Ave. NW
Suite 700
Washington, DC 20001
(512) 693-8350
jon@lehotskycohn.com

Counsel for Applicants

CORPORATE DISCLOSURE STATEMENT

Applicant Vapor Technology Association has no parent corporation, and no publicly held company owns 10% or more of its stock.

Applicant Southside Vape, LLC, has no parent corporation. Its sole member is Joseph Farrell, an individual. No publicly held company owns 10% or more of its stock.

/s/ Jonathan F. Cohn
Jonathan F. Cohn

Counsel for Applicants

To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eleventh Circuit:

1. Pursuant to Supreme Court Rule 13.5, Applicants Vapor Technology Association and Southside Vape, LLC, respectfully request a 33-day extension of time to and including Tuesday, December 22, 2026, to file a petition for a writ of certiorari. That extension would not exceed the maximum 60-day extension authorized by Supreme Court Rule 13.5 and 28 U.S.C. § 2101(c).

2. The Supreme Court of Alabama issued its opinion on July 2, 2026. That opinion is available at 2026 WL 1902082 and is appended as Exhibit A. The Supreme Court of Alabama denied a timely application for rehearing on August 21, 2026. The orders are appended as Exhibits B and C. This Court's jurisdiction would be invoked under 28 U.S.C. § 1257 and *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469, 477-83 (1975).

3. Applicants' petition for a writ of certiorari seeking review of the Supreme Court of Alabama's decision is currently due on November 19, 2026. This application is being filed at least 10 days in advance of that date. No prior application has been made in this case.

4. This case presents important and complex constitutional issues that are eminently worthy of this Court's review.

5. The undersigned counsel was recently retained to represent Applicants before this Court. The undersigned did not litigate this case below. A 33-day extension would give the undersigned sufficient opportunity to thoroughly review the record, research and analyze the complex constitutional issues presented, and prepare the

petition for filing. The extension is also necessary given the heavy press of matters the undersigned is responsible for over the next several weeks.

6. Applicants respectfully request that an order be entered extending the time to file a petition for a writ of certiorari up to and including Tuesday, December 22, 2026.

Dated: November 9, 2026

Respectfully submitted.

Erin B. Edwards
LEHOTSKY COHN LLP
3280 Peachtree Rd. NE
Atlanta, GA 30305

/s/ Jonathan F. Cohn
Jonathan F. Cohn
Shannon G. Denmark
LEHOTSKY COHN LLP
200 Massachusetts Ave. NW
Suite 700
Washington, DC 20001
(512) 693-8350
jon@lehotskycohn.com

Counsel for Applicants

CERTIFICATE OF SERVICE

I certify that on November 9, 2026, I caused the above document to be served on the following by mail and electronic mail:

A. Barrett Bowdre
James W. Davis
Misty S. Fairbanks Messick
Matthew R. Duggan
STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL
501 Washington Avenue
Post Office Box 300152
Montgomery, Alabama 36130-0152
Barrett.Bowdre@AlabamaAG.gov
Jim.Davis@AlabamaAG.gov
Misty.Messick@AlabamaAG.gov
Matt.Duggan@AlabamaAG.gov

Counsel for Respondents

/s/ Jonathan F. Cohn
Jonathan F. Cohn

Counsel for Applicants