

No. 20-A-\_\_\_\_\_

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**IN THE SUPREME COURT OF THE UNITED STATES**

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CAROL WILDING, *et al.*,

*Petitioners,*

v.

DNC SERVICES CORPORATION and DEBORAH WASSERMAN SCHULTZ,

*Respondents.*

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**APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF  
CERTIORARI**

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Cullin O'Brien, Esq.  
*Counsel of Record*  
Cullin O'Brien Law, P.A.  
6541 NE 21st Way  
Ft. Lauderdale, FL 33308  
Tel: (561) 676-6370  
Fax: (561) 320-0285  
cullin@cullinobrienlaw.com

Antonino G. Hernandez, Esq.  
Antonino G. Hernandez, P.A.  
4 SE 1st Street, 2nd Floor  
Miami, FL 33131  
Tel: (305) 282-3698  
Fax: (786) 513-7748  
hern8491@bellsouth.net

Jared H. Beck, Esq.  
Elizabeth Lee Beck, Esq.  
Victor Arca, Esq.  
Beck & Lee Trial Lawyers  
12485 SW 137th Avenue, Suite 205  
Miami, FL 33186  
Tel: (305) 234-2060  
Fax: (786) 664-3334  
jared@beckandlee.com  
elizabeth@beckandlee.com  
victor@beckandlee.com

*Counsel for Petitioners*

**TO THE HONORABLE CLARENCE THOMAS, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE ELEVENTH CIRCUIT:**

Pursuant to Supreme Court Rules 13.5, 22, and 30, Petitioners<sup>1</sup> respectfully request a 60-day extension of time, up to and including March 27, 2020, to file a petition for a writ of certiorari to the United States Court of Appeals for the Eleventh Circuit to review that court's decision in *Wilding v. DNC Services Corp.*, 941 F.3d 1116 (11th Cir. 2019) (attached as Exhibit A). The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1), and the time to file a petition for a writ of certiorari will expire without an extension on January 27, 2020. This

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<sup>1</sup> Petitioners are the following named plaintiffs in the case below: Carol Wilding, Stanley Rifken, Sharon Crawford, William Scott Franz, David Pulaski, Mary Jasmine Welch, Jose Alberto Gonzalez, Jane Ellen Plattner, Kim Marie Houle, Timothy Bingen, Susan Reed, Angela Monson, Aimee R. Coleman, Elesha Snyder, Matthew Shaw, Zachary James Haney, Estrella Gonzalez, Catherine G. Cyko, Laura Genna, Marianne Blair, Tamara L. Johnston, Valerie Elyse Rasch, Brett Teegardin, Daniel O'meara, Peggy Lew, Daniel J. Reynolds, Brenda Lee Smith, Marlowe St. Cloud Primack, Patricia D. Cassidy, Brittany R. Musick, Harris Bierhoff, Felicia Michelle Taylor, Kyle G. Braund, Lauren Hale, William Crandall, Kirsten Hurst, Duffy Robert Weiss, Connie Anderson, Gregory Witkowski, Elizabeth Figueroa, Brandy Kincaid, Kimberly Alberts, Rachel Roderick, Laura Michelle Vaughn, Lisa Gale, Tammy Deitch-Coulter, Kayite Ashcraft, Alecia R. Davis, Dominic Ronzani, Luke Grim, Rosalie Consiglio, Edwin Lugo, Heather Dade, Michael S. Reed, Rhiannon Crandall, Ryan Ghan, Lisa Settle, Yalonda Dye Cooper, Daniel S. Cooper, Matthew Joseph Brady, Andrew Rousseau, Susan Catterall, Julie Hampton, Chris Bubb, Erik Furreboe, Zeke Shaw, Benjamin Ilarraza, Lucille Grooms, Christine Maiurano, Lewis L. Humiston, IV, John Lynch, James Simon, Lester John Bates, III, Jeffrey Goldberg, Rick Washik, Richard Booker, Karlie Cole, Erich Sparks, Prabu Gopalakrishnan, Carlos Villamar, Carolyn Jacobson, Dan Ellis Dudley, Lisa Anne Meneely, D.J. Buschini, Raymond D. Maxwell, David L. Meuli, Kenneth E. Puckett, David N. Pyles, Cynthia T. Chan, Stefanie Birdsong, Amber Rae Knowlton, Timo A. Johann, Jeff Rogers, Heather Jordan, Rana Kangaskent, Susan Frisbie, Bakh Inamov, Theda Larson-Wright, Kirsten Hoffman, Anthony Grudin, Bruce Busto, Suzanne M. Cork, Emma L. Young, Sean Lynch, Sherry Davis, Nancy Berners-Lee, Phyllis Criddle, Melissa Liang, Joseph Gleason, Greta Mickey, Diane Emily Dreyfus, Kathleen L. Dodge, Catherine Willott, Tristan Burgener, Erik Michael Ferragut, Vincent Cauchi, Joseph Callan, Mark Bedard, Barbara Bowen, Steve Philipp, Susan Phillips, Richard J. Boylan, Teri Monaco, Tukoi Jarrett, Annmarie Wilson, Andrew Orrino, Craig Currier, Jarath Hemphill, George Thomas, Rebecca White-Hayes, Alaina Talboy, Sarah Lopez, Eliza Feero, Rebecca Hohm, Gayle A. Harrod, Erika Sitzer, Stephen Houseknecht, Diane Robinson, Jen Betterley, Amalie Duvall, John Crowe, Carl Miller, Susan Roppel, Diana Flores, Julianna Seymour, Melissa Marcotte, Alette Prichett, and Torsha Childs.

application is timely because it has been filed more than ten days prior to the date on which the time for filing the petition is to expire.

1. This case contains issues of exceptional importance to the integrity of the United States' democratic political institutions. It presents the question of whether the Democratic National Committee ("DNC"), a not-for-profit corporation charged with general responsibility for the affairs of one of the two major American political parties, has a legally binding, fiduciary duty to follow its own charter and maintain impartiality and evenhandedness as among the presidential candidates and campaigns during the Democratic Party presidential nominating process. Below, the Eleventh Circuit rejected the existence of such a duty, placing it in conflict with the Second Circuit. *See U.S. v. Halloran*, 821 F.3d 321, 339-40 (2d Cir. 2016); *U.S. v. Margiotta*, 688 F.2d 108, 124 (2d Cir. 1982).

2. In addition, the case will present the question of whether the petitioners were improperly denied an opportunity to amend their complaint to state actionable claims against the DNC and its chair based on evidence the DNC and its leadership worked behind the scenes to advance Hillary Clinton's 2016 presidential campaign through the Democratic Party nominating process. Because the Eleventh Circuit's order affirming dismissal of the complaint relied on lack of subject-matter jurisdiction grounds, the petitioners, who are 148 registered Democrats and donors to the Bernie Sanders campaign and DNC in 2016, will also seek leave to amend their allegations under 28 U.S.C. § 1653 as part of their certiorari petition. *See Moinar v. Nat'l Broadcasting Co.*, 231 F.2d 684, 686 & n.2 (9th Cir. 1956) (section 1653 permits amendment of complaint in the Supreme Court).

3. Given the large quantity of petitioners and the fact they are dispersed throughout the country, preparing the petition (including amending each petitioner's allegations as to

subject-matter jurisdiction) will take substantial coordination. The time available for such coordination has already been considerably shortened by last month's holiday season.

Accordingly, the petitioners respectfully request that an order be entered extending the time to file a petition for writ of certiorari for 60 days, up to and including March 27, 2020.

DATED: January 16, 2020

Respectfully submitted,

/s/ Cullin O'Brien  
CULLIN O'BRIEN  
*Counsel of Record for Petitioners*  
Supreme Court Bar No. 275829  
Florida Bar No. 597341  
CULLIN O'BRIEN LAW, P.A.  
6541 NE 21st Way  
Ft. Lauderdale, FL 33308  
Tel: (561) 676-6370  
Fax: (561) 320-0285  
cullin@cullinobrienlaw.com

JARED H. BECK  
Florida Bar No. 20695  
ELIZABETH LEE BECK  
Florida Bar No. 20697  
VICTOR ARCA  
Florida Bar No. 1014225  
BECK & LEE TRIAL LAWYERS  
Corporate Park at Kendall  
12485 SW 137th Ave., Suite 205  
Miami, FL 33186  
Tel: (305) 234-2060  
Fax: (786) 664-3334  
jared@beckandlee.com  
elizabeth@beckandlee.com  
victor@beckandlee.com

[additional counsel on following page]

ANTONINO G. HERNANDEZ  
Florida Bar No. 164828  
ANTONINO G. HERNANDEZ, P.A.  
4 SE 1st St. 2nd Floor  
Miami, FL 33131  
Tel: (305) 282-3698  
Fax: (786) 513-7748  
hern8491@bellsouth.net