

No. 23A-____

IN THE
Supreme Court of the United States

LABORATORY CORPORATION OF AMERICA HOLDINGS, D/B/A LABCORP,
Applicant,

v.

LUKE DAVIS, JULIAN VARGAS, AND AMERICAN COUNCIL OF THE BLIND,
INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED,
Respondents.

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

To the Honorable Elena Kagan, Associate Justice of the Supreme Court and
Circuit Justice for the Ninth Circuit:

1. Pursuant to Supreme Court Rules 13.5, 22, and 30, Applicant Laboratory Corporation of America Holdings (“Labcorp”),¹ respectfully request a 58-day extension of time, up to and including September 13, 2024, to file a petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit, seeking review of that court’s February 8, 2024, decision in *Davis et al. v. Laboratory Corp. of Am. Holdings*, No. 22-55873, 2024 WL 489288 (9th Cir. 2024). The Ninth Circuit denied a timely motion for rehearing on April 18, 2024. The decision below and the order denying rehearing are attached as Appendices A and B, respectively. The

¹ Labcorp states that no publicly held corporate parent owns 10% or more of its stock.

jurisdiction of this Court will be invoked under 28 U.S.C. § 1254, and the time to file a petition for a writ of certiorari will otherwise expire on July 17, 2024. This Application is timely because it has been filed on May 22, 2024, more than ten days prior to the date on which the time for filing is due to expire.

2. Applicant has good cause for an extension of time. Labcorp has recently retained the law firm of Jones Day to represent it before this Court. Given its experience and expertise in Supreme Court practice, Jones Day is well positioned to evaluate and prepare a petition that will assist this Court in reviewing the case and the issues presented. The quality of any petition would greatly benefit from an extension of time to allow Jones Day to gain familiarity with the issues in this case—which it did not litigate below—and to complete the requisite research and writing. Applicant has consulted counsel for Respondents, who do not oppose this application.

WHEREFORE, Applicant respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari for 58 days, up to and including September 13, 2024.

May 22, 2024

Respectfully submitted,



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