

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

No. ____

INNOVATIVE FIBERS LLC AND STEIN FIBERS LTD,
Applicants,

v.

PARKER O'NEIL WIDEMAN, RILEY C. DRAPER,
WILLIAM F. DOUGLASS, AND JESSICA L. DOUGLASS,

Respondents.

**APPLICATION TO THE HON. CHIEF JUSTICE
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT**

Pursuant to Supreme Court Rule 13(5), Innovative Fibers LLC and Stein Fibers LTD (defendants-appellees below, hereinafter “Applicants”), hereby move for an extension of time of 60 days, to and including November 11, 2024, for the filing of a petition for a writ of certiorari. Unless an extension is granted, the deadline for filing the petition for certiorari will be September 11, 2024.

In support of this request, Applicants state as follows:

1. The United States Court of Appeals for the Fourth Circuit rendered its decision on May 2, 2024 (Exhibit 1), and denied a timely petition for rehearing on June 13, 2024 (Exhibit 2). This Court has jurisdiction under 28 U.S.C. § 1254(1).
2. This case concerns whether a federal court sitting in diversity may entertain state law claims that a state statutory scheme mandates be brought in state administrative proceedings (and *not* in court). The Fourth Circuit held that a federal

court may entertain state workers' compensation claims, notwithstanding the decision of the South Carolina Legislature to remove those claims from court. The Fourth Circuit sought to "align itself" with the Third, Sixth, Seventh, and Ninth Circuits, which the Fourth Circuit described as holding that "state workers' compensation statutes do not deprive federal courts of subject matter jurisdiction." That holding directly conflicts with decisions of at least two other circuits—the Second and Eleventh Circuits—which have held that federal courts should not entertain state law claims that state legislatures provide may not proceed in court—including in the workers' compensation context.

3. This Court's intervention would serve to reconcile a split among the courts of appeals on an issue that implicates important federalism concerns and carries significance for myriad cases across the country in the workers' compensation context and beyond. Without intervention, federal courts will continue to undermine state policy by adjudicating state law claims—potentially all the way to a jury trial—that state legislatures have provided may not proceed in court. The Fourth Circuit's decision needlessly expands the power of federal courts and encourages forum shopping.

4. There is good cause to grant an extension, which will give Applicants and their counsel adequate time to properly prepare a petition. An extension to November 11, 2024, would further accommodate the undersigned counsel's obligations in other matters, including *inter alia*, a post-trial argument on September 10, 2024, in *Golden Rule v. Shareholder Representative Servs.*, No. 2022-0065 (Del. Ch.); a motion to dismiss due on September 27, 2024, in *Webseed v. Meta*, No. 1:24-

cv-00576 (W.D. Tex.); a reply brief due on September 30, 2024, in *New Jersey v. The Dow Chemical Co.*, No. 24-1753 (3rd Cir.); a reply brief due on October 16, 2024, in *Johnson v. Lewis*, No. 24-11060 (11th Cir.); a response brief due on October 16, 2024, in *Doe v. Burke*, No. 23-3060 (6th Cir.); and other proximate deadlines in other cases.

5. Applicants thus request a 60-day extension for Applicants and their counsel to prepare a petition that fully addresses the important issues raised by the decision below and that frames the issues in a manner that will be most helpful to the Court.

WHEREFORE, for the foregoing reasons, Applicants request that an extension of time to and including November 11, 2024, be granted within which Applicants may file a petition for a writ of certiorari.

Respectfully submitted,

/s/ Kasdin M. Mitchell
KASDIN M. MITCHELL
Counsel of Record
KIRKLAND & ELLIS LLP
1301 Pennsylvania Avenue, NW
Washington, DC 20004
(202) 389-5165
kasdin.mitchell@kirkland.com
Counsel for Applicants

RULE 29.6 STATEMENT

As of August 23, 2024, SFI AIP Borrower LLC, a Delaware Limited Liability Corporation is the parent of Innovative Fibers LLC, a Delaware Limited Liability Corporation. There is no parent or publicly held company owning 10% or more of the stock of Innovative Fibers LLC

As of August 23, 2024, SFI AIP Borrower LLC, a Delaware Limited Liability Corporation is the parent of Stein Fibers LTD, a Delaware Limited Liability Corporation. There is no parent or publicly held company owning 10% or more of the stock of Stein Fibers LTD.