

No. _____

In the Supreme Court of the United States

THE MOODY BIBLE INSTITUTE OF CHICAGO,

Applicant,

v.

JANAY E. GARRICK,

Respondent.

**APPLICATION TO THE HONORABLE AMY CONEY BARRETT FOR AN
EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF
CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE
SEVENTH CIRCUIT**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 29.6, the undersigned counsel of record certifies that Applicant The Moody Bible Institute of Chicago does not have a parent corporation and does not issue stock.

/s/ Daniel H. Blomberg

APPLICATION

To the Honorable Amy Coney Barrett, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Seventh Circuit:

Pursuant to Supreme Court Rule 13(5), The Moody Bible Institute of Chicago respectfully requests an extension by sixty days to and including Friday, September 27, 2024, for the filing of a petition for a writ of certiorari in this matter. Unless an extension is granted, Moody’s deadline for the filing of the petition will be July 29, 2024. This application is submitted more than ten days prior to the filing deadline.

In support of this request, Moody states as follows:

1. The United States Court of Appeals for the Seventh Circuit denied rehearing on April 30, 2024. App.52. This Court has jurisdiction under 28 U.S.C. 1254.
2. Moody is a Bible college and seminary that, for over 130 years, has been training Christian students to serve Christ and build Christ’s church worldwide. App.2; *see also Educational Distinctives*, Moody Bible Institute, <https://perma.cc/WQK8-JY3C>; *History of Moody Bible Institute*, Moody Bible Institute, <https://perma.cc/8QVB-CS5M>. Moody believes that while all Christians—women and men—can advance that religious mission, only men may hold the specific church office of pastor. App.2. This belief, commonly known as “complementarianism,” is among core doctrines Moody faculty must annually affirm. App.2.
3. Respondent Janay Garrick was a member of Moody’s faculty. When hired in 2014, she affirmed Moody’s beliefs in writing. In 2016, she began to openly and ac-

tively oppose Moody's complementarianism on campus. App.3-5. After Garrick confirmed her rejection of complementarianism, Moody declined to renew her faculty contract. App.4-5.

4. Garrick then filed suit, raising Title VII retaliation and discrimination claims based on religion and sex. App.5. Garrick's complaint expressly described her religious disagreement with Moody and her advocacy against Moody's religious beliefs. App.5. The district court dismissed Garrick's complaint because of the religious entanglement adjudicating her claims required. App.6. Garrick responded by amending her complaint, dropping a few allegations, shuffling others, and deleting some overtly doctrinal words like "Bible" and "Theology." App.42. But Garrick's new complaint still chronicled her open opposition to Moody's beliefs, and attached her EEOC charge attesting under penalty of perjury that Moody's employment actions were motivated by that religious dispute. App.42. Yet this time the district court allowed Garrick's claims to proceed, ignoring the EEOC charge and reasoning that Moody's religious rationale was now a pretext for termination. App.7.

5. After the district court denied Moody's request for reconsideration and Section 1292(b) certification, Moody filed an interlocutory appeal. A divided panel of the Seventh Circuit held that it lacked jurisdiction over Moody's interlocutory appeal. The majority reasoned that "First Amendment religious-liberty interests [do not] confer immunity" from merits discovery and trial, but instead bar only judicial resolution of "doctrinal disputes." App.13, 23. Civil courts, it added, may adjudicate cases like

Moody's by applying "neutral principles" of law to the "secular components" of the dispute without "any usurpation" of church autonomy. App.13, 17, 22.

6. Judge Brennan dissented, explaining "that the Religion Clauses protect religious organizations from the harm caused by a trial, not just an adverse judgment." App.34-35. For that reason, "early resolution" of church autonomy defenses is "essential," since religious defendants would otherwise be "irreparably harmed" by "invasive civil adjudication." App.38, 45, 47. Here, such adjudication includes discovery into Moody's "church-leadership doctrines," comparisons with its "religious [disciplinary] decisions involving other[s]," and a jury parsing "the credibility of [its] religious motivations." App.45. As Judge Brennan explained, blessing this entanglement with the neutral-principles approach turns "[a] fundamental right" into "a pleading game." App.48-50.

7. This case raises exceptionally important First Amendment questions, including whether the First Amendment's church autonomy doctrine should be understood as a protection from judicial interference in internal religious leadership disputes covered by the doctrine, or instead as a mere defense against liability. As the court below acknowledged, this question has spawned significant disagreement among judges on the Seventh, Tenth, and Second Circuits (among others). *See* App.22, 37.

8. Moody's counsel need additional time to prepare the petition in this case. Moody's counsel have had substantial case-related obligations from the denial of rehearing en banc through the filing of this application, including:

- *Loffman v. California Department of Education*, No. 23-55714 (9th Cir.) (oral argument held May 7, 2024)
- *Fellowship of Christian Athletes v. District of Columbia*, No. 1:24-cv-1332 (D.D.C.) (complaint and motion for preliminary injunction filed May 7, 2024)
- *Monsanto Co. v. Callion*, No. 3D2024-0578 (Fla. 3d Dist. Ct. App.) (opening appellate brief filed May 20, 2024)
- *United States Conference of Catholic Bishops v. Equal Employment Opportunity Commission*, No. 2:24-cv-691 (W.D. La) (complaint and motion for preliminary injunction filed May 22, 2024)
- *Sheets v. Greenville Univ.*, No. 3:23-cv-03754-MAB (S.D. Ill.) (brief in support of motion to dismiss filed May 23, 2024)
- *Young Israel of Tampa, Inc. v. Hillsborough Area Regional Transport Authority*, No. 23-1276 (U.S.) (petition for writ of certiorari filed June 3, 2024)
- *Frankel v. Regents of The University of California*, No. 2:24-cv-4702 (C.D. Cal.) (complaint filed June 5, 2024)
- *St. Joseph Parish St. Johns v. Nessel*, No. 23-1860 (6th Cir.) (oral argument held June 11, 2024)
- *United States Conference of Catholic Bishops v. Equal Employment Opportunity Commission*, No. 2:24-cv-691 (W.D. La) (reply in support of preliminary injunction filed June 11, 2024)

- *Bella Health and Wellness v. Weiser*, No. 23-cv-939 (D. Colo.) (depositions held June 11 and 12, 2024)
- *United States Conference of Catholic Bishops v. Equal Employment Opportunity Commission*, No. 2:24-cv-691 (W.D. La.) (preliminary injunction hearing held June 12, 2024)
- *Fellowship of Christian Athletes v. District of Columbia*, No. 1:24-cv-1332 (D.D.C.) (reply in support of preliminary injunction filed June 18, 2024)
- *Frankel v. Regents of The University of California*, No. 2:24-cv-4702 (C.D. Cal.) (motion for preliminary injunction filed June 24, 2024)
- *Fellowship of Christian Athletes v. District of Columbia*, No. 1:24-cv-1332 (D.D.C.) (preliminary injunction hearing held June 26, 2024)
- *Erickson v. Monsanto Co.*, No. 4D2024-0835 ((Fla. 4th Dist. Ct. App.) (appellate response brief filed June 27, 2024)
- *Sheets v. Greenville Univ.*, No. 3:23-cv-03754-MAB (S.D. Ill.) (reply brief in support of motion to dismiss filed July 9, 2024)
- *Catholic Charities of Jackson v. Whitmer*, No. 1:24-cv-718 (W.D. Mich.) (complaint filed July 12, 2024)

9. Moody's counsel also have several upcoming case-related obligations, including:

- *Frankel v. Regents of The University of California*, No. 2:24-cv-4702 (C.D. Cal.) (reply in support of preliminary injunction due July 15, 2024)

- *United States Conference of Catholic Bishops v. Equal Employment Opportunity Commission*, No. 2:24-cv-691 (W.D. La.) (scheduling conference on July 25, 2024)
- *Frankel v. Regents of The University of California*, No. 2:24-cv-4702 (C.D. Cal.) (preliminary injunction hearing on July 29, 2024)
- *Robinson v. Frigid Fluid Co.*, No. 1:24-cv-01829 (N.D. Ill.) (responsive pleading due July 29, 2024)
- *World Vision, Inc. v. McMahon*, No. 24-3259 (9th Cir.) (opening brief due July 31, 2024)
- *Monsanto Co. v. Behar*, No. 3D2024-0569 (Fla. 3d Dist. Ct. App.) (appellate reply brief due July 31, 2024)
- *Belya v. Kapral*, No. 1:20-cv-6597 (SDNY) (motion for summary judgment due August 5, 2024)
- *Young Israel of Tampa, Inc. v. Hillsborough Area Regional Transport Authority*, No. 23-1276 (U.S.) (reply in support of petition for writ of certiorari due August 9, 2024)
- *Catholic Charities Bureau, Inc. v. Wisconsin Labor & Industry Review Commission*, No. 23A1067 (U.S.) (petition for writ of certiorari due August 12, 2024)
- *Apache Stronghold v. United States*, No. 21-15295 (9th Cir.) (petition for writ of certiorari due August 12, 2024)

- *Mahmoud v. McKnight*, No. 23-1890 (4th Cir.) (petition for writ of certiorari due August 13, 2024)
- *Martel v. Monsanto Co.*, No. 1259 EDA 2024 (Pa. Super. Ct.) (opening appellate brief due August 19, 2024)

10. In addition to pre-arranged vacation plans for Moody's counsel, one of Moody's counsel also has out-of-state travel to the Mayo Clinic required from at least August 13 to 16 for a family member's surgery.

11. For these reasons, Moody Bible respectfully requests a sixty-day extension of time for counsel to prepare a petition that fully addresses the important issues raised by the decision below and frames those issues in a manner that will be most helpful to the Court.

Respectfully submitted.

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