

No. _____

In the
Supreme Court of the United States

DUKE BRADFORD, ARKANSAS VALLEY ADVENTURE, LLC, d/b/a AVA Rafting
and Zipline, and COLORADO RIVER OUTFITTERS ASSOCIATION,

Petitioners,

v.

U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF LABOR,
WAGE, & HOUR DIVISION, JOSEPH R. BIDEN, President of the United States,
MARTIN WALSH, U.S. Secretary of Labor,
and JESSICA LOOMAN, Acting Administrator,

Respondents.

**On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Tenth Circuit**

**APPLICATION TO THE HONORABLE NEIL M. GORSUCH,
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 TENTH CIRCUIT**

STEVEN M. SIMPSON
Counsel of Record
MICHAEL A. POON
Pacific Legal Foundation
3100 Clarendon Boulevard
Suite 1000
Arlington, VA 22201
202.888.6881
SSimpson@pacificlegal.org
MPoon@pacificlegal.org

Counsel for Petitioners

To the Honorable Neil M. Gorsuch, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Tenth Circuit:

Pursuant to Supreme Court Rule 13.5, Petitioners Duke Bradford, Arkansas Valley Adventure, LLC, d/b/a AVA Rafting and Zipline, and Colorado River Outfitters Association, respectfully request an extension of time of 45 days to file their petition for a writ of certiorari in this Court up to and including September 12, 2024.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *Bradford v. U.S. Department of Labor*, 101 F.4th 707 (10th Cir. Apr. 30, 2024) (attached as Exhibit 1). The judgment was issued on April 30, 2024, and Petitioners did not seek rehearing, which means a Petition is presently due on July 29, 2024. This application for an extension of time is filed more than ten days in advance of that date.

JURISDICTION

This case arises under the review provisions of the Administrative Procedure Act, 5 U.S.C. §§ 702, 704, 706. The district court had original jurisdiction under 28 U.S.C. § 1331. The Court of Appeals had appellate jurisdiction under 28 U.S.C. § 1292(a)(1). This Court has jurisdiction under 28 U.S.C. § 1254(1).

REASONS FOR GRANTING EXTENSION OF TIME

Good cause exists for the requested extension. Counsel for Petitioners, Michael Poon, who will be taking the lead in drafting the petition, has had a substantial workload since the Tenth Circuit issued its judgment. Mr. Poon has filed reply briefs in the Third and Fifth Circuits, *Lofstad v. Raimondo*, No. 24-1420 (3d Cir.); *Arnesen*

v. Raimondo, No. 24-60055 (5th Cir.), filed a complaint in *Russo v. Raimondo*, No. 24-cv-186 (S.D. Ala.), and presented oral argument in an appeal before the Fifth Circuit in *Arnesen*. In the coming weeks leading up to the current deadline for the petition, Mr. Poon is scheduled to file a dispositive brief in an administrative adjudication in *In re Determination III 130 Westport, LLC, and Gerald Eubanks*, No. SE2303316 (N.O.A.A.), and present oral argument in an appeal before the Third Circuit in *Lofstad*. Steven Simpson, Counsel of Record in this case, has numerous other professional duties, including reviewing and helping draft complaints and substantive briefs in at least four cases, including one petition for a writ of certiorari in this Court. Additionally, former lead counsel in this case in the Tenth Circuit, Caleb Kruckenberg, left counsel's firm prior to the Tenth Circuit's decision, requiring Messrs. Poon and Simpson to take over as leads on the case. Thus, additional time would greatly assist counsel in preparing an effective petition in this case.

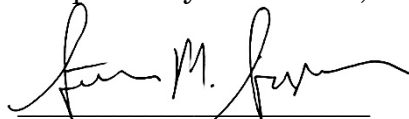
This is Petitioners' first request for an extension of time. Counsel for the government indicated that the government takes no position on this application.

CONCLUSION

For the foregoing reasons, Petitioners request that this Court grant an extension of 45 days, up to and including September 12, 2024, within which to file a Petition for a Writ of Certiorari.

DATED: July 2, 2024.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven M. Simpson", written over a horizontal line.

STEVEN M. SIMPSON

Counsel of Record

MICHAEL A. POON

Pacific Legal Foundation
3100 Clarendon Boulevard,
Suite 1000

Arlington, VA 22201

202.888.6881

SSimpson@pacifical.org

MPoon@pacifical.org


Counsel for Petitioners

CERTIFICATE OF SERVICE

A copy of this application was served via email and U.S. Mail to counsel listed below in accordance with Supreme Court Rules 22.2 and 29.3:

Mark B. Stern
Daniel Winik
U.S. Department of Justice
Appellate Section, Civil Division
950 Pennsylvania Avenue NW
Washington, DC 20530
mark.stern@usdoj.gov
daniel.l.winik@usdoj.gov
Counsel for Respondents

DATED: July 2, 2024.



STEVEN M. SIMPSON
Counsel for Petitioners