

No. \_\_\_\_\_

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

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ROCHELLE SCOTT, individually, and as co-special administrator of the estate of ROY ANTHONY SCOTT; FREDRICK WAID, as co-special administrator of the estate of ROY ANTHONY SCOTT,

*Applicants,*

v.

KYLE SMITH; THEODORE HUNTSMAN; LAS VEGAS  
METROPOLITAN POLICE DEPARTMENT,

*Respondents.*

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On Application for an Extension of Time Within Which  
To File a Petition for Writ of Certiorari to the  
United States Court of Appeals for the Ninth Circuit

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**APPLICATION TO THE HON. ELENA KAGAN, FOR  
AN EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION  
FOR WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE NINTH CIRCUIT**

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*Counsel for Applicants*

January 29, 2025

*To the Honorable Elena Kagan, Associate Justice of the United States and Circuit Justice for the Ninth Circuit:*

Pursuant to 28 U.S.C § 2101 (c) and Rule 13.5 of the Rules of this Court, Applicants Kyle Smith, Theodore Huntsman, and the Las Vegas Metropolitan Police Department, pray for a 60-day extension of time to file their petition for certiorari in this Court to and including April 17, 2025.

Applicants will seek review of the judgment in *Scott v. Smith*, No. 23-15480, 109 F.4th 1215 (9th Cir. 2024), which the Ninth Circuit Court of Appeals decided on July 30, 2024. Applicants sought rehearing, and on November 19, 2024, the Ninth Circuit Court of Appeals entered an order denying rehearing. This Court has jurisdiction over this matter under 28 U.S.C. § 1254(1). Applicants' time to petition for certiorari in this Court expires February 17, 2025. This application is being filed more than 10 days before that date.

Following the denial of en banc rehearing, Applicants sought and retained undersigned counsel with specialized expertise in this Court. Undersigned counsel is subject to significant deadlines in other cases, in particular, an opposition brief in *South Carolina v. TikTok Inc.*, No.2024CP4006018, due in the South Carolina Court of Common Pleas on February 7 and a merits brief in *Iowa v. TikTok Inc.*, No. 24-1566, due in the Iowa Supreme Court on March 3. Undersigned counsel will also be filing a motion to dismiss in Louisiana state court during the same time in which the petition in this case would otherwise be due. Undersigned counsel also requires the assistance of other attorneys at Cooper & Kirk PLLC, who are similarly constrained by impending deadlines in a variety of cases.

For the foregoing reasons, Applicants hereby respectfully request an extension of time up to and including April 17, 2025, for the filing of a petition for writ of certiorari in this case.

Dated: January 29, 2025

Respectfully submitted,

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