

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

SHAWN MONTGOMERY,

Petitioner,

v.

CARIBE TRANSPORT II, LLC,
YOSNIEL VARELA-MOJENA,
C.H. ROBINSON WORLDWIDE, INC.,
C.H. ROBINSON COMPANY,
C.H. ROBINSON COMPANY, INC.,
C.H. ROBINSON INTERNATIONAL, INC.,
and CARIBE TRANSPORT, LLC,

Respondents.

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

To the Honorable Amy Coney Barrett, Circuit Justice for the Seventh
Circuit:

Under Supreme Court Rule 13.5, Petitioner Shawn Montgomery requests an extension of time to petition for a writ of certiorari. Petitioner requests a 60-day extension of time through Monday, June 2, 2025. The decision in the Seventh Circuit was entered on January 3, 2025, and the time to file a petition for writ of certiorari in this Court will expire on

April 3, 2025. This application is being filed more than 10 days before the due date.

Attached to this application is a copy of the decision below. *See* Exhibit A. This Court would have jurisdiction under 28 U.S.C. § 1254(1).

Below, the Seventh Circuit held that the Federal Aviation Administration Authorization Act of 1994 preempts state law claims that a freight broker negligently hired a motor carrier. The Seventh Circuit's decision aligns with the Eleventh Circuit's decisions in *Aspen American Insurance Co. v. Landstar Ranger, Inc.*, 65 F.4th 1261 (11th Cir. 2023), and *Gauthier v. Hard to Stop LLC*, No. 22-10774, 2024 WL 3338944 (11th Cir. July 9, 2024).

The Seventh and Eleventh Circuit's decisions conflict with the Ninth Circuit's decision in *Miller v. C.H. Robinson Worldwide, Inc.*, 976 F.3d 1016 (9th Cir. 2020). The Ninth Circuit held that a safety-exception in the Act means that such claims are not preempted.

The reason for the requested extension of time is the pendency of a Sixth Circuit appeal, which could deepen the circuit conflict. *See Cox v. Total Quality Logistics, Inc.*, No. 24-3599 (6th Cir.) (oral argument

occurred on January 29, 2025). An extension is also necessary due to the press of other business.

Respondents do not oppose Petitioner's requested extension of time to file his Petition for Writ of Certiorari.

Respectfully submitted,



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