

No. 24-____

IN THE
Supreme Court of the United States

ROMAN CATHOLIC DIOCESE OF ALBANY, ET AL.,

PETITIONERS,

v.

ADRIENNE A. HARRIS, SUPERINTENDENT, NEW YORK STATE DEPARTMENT OF
FINANCIAL SERVICES; NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES

RESPONDENTS.

**APPLICATION OF PETITIONERS FOR EXTENSION OF TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE
NEW YORK STATE COURT OF APPEALS**

To the Honorable Sonia Sotomayor, Associate Justice of the Supreme Court
and Circuit Justice for the Second Circuit:

1. Pursuant to Supreme Court Rules 13.5, 22, and 30, Applicants the Roman Catholic Diocese of Albany; the Roman Catholic Diocese of Ogdensburg; Sisterhood of St. Mary; Catholic Charities of the Diocese of Brooklyn; Catholic Charities of the Diocese of Albany; Catholic Charities of the Diocese of Ogdensburg; St. Gregory the Great Roman Catholic Church Society of Amherst, N.Y.; First Bible Baptist Church; Our Savior’s Lutheran Church, Albany, N.Y.; Teresian House Nursing Home Company, Inc.; Renee Morgiewicz; Teresian House Housing Corporation; DePaul Housing Management Corporation (collectively, “Petitioners”)¹

¹ No Petitioner has a parent corporation. No publicly held corporation owns any portion of any of the Petitioners, and none of the Petitioners is a subsidiary or an affiliate of any publicly owned corporation.

respectfully request a 30-day extension of time, up to and including Wednesday, September 18, 2024, to file a petition for a writ of certiorari to the Court of Appeals of the State of New York, seeking review of that court’s decision rejecting Petitioners’ federal First Amendment challenge to the State of New York’s mandate requiring employers to provide abortion coverage in their employee health plans subject to a narrow religious exception limited to employers who have “the purpose” of “the inculcation of religious values” and who “primarily” employ and serve “persons who share the religious tenets of the entity.” N.Y. Comp. Codes R. & Regs. tit. 11, § 52.2(y). The New York Court of Appeals issued its decision on May 21, 2024. A copy of that decision is attached as Appendix A. The jurisdiction of this Court in this case will be invoked under 28 U.S.C. § 1257(a), and the time to file a petition for a writ of certiorari will otherwise expire on Monday, August 19, 2024. This Application for Extension of Time is timely because it has been filed more than ten days prior to the date on which the time for filing the petition is to expire.

2. Petitioners have good cause for an extension of time. This case involves important questions regarding the circumstances in which a religious exemption that exempts some, but not all, religious organizations from complying with a burdensome law undermines the general applicability of the law under *Employment Division, Department of Human Resources of Oregon v. Smith*, 494 U.S. 872 (1990). Petitioners are twelve distinct religious organizations and one individual, requiring additional time to coordinate. And counsel for Petitioners have extensive professional and personal obligations over the coming months. For

example, counsel of record has work and personal travel scheduled for July 21 through August 4, August 6-7, September 5-6, and September 11. Counsel of record also has numerous obligations in other pending matters during the relevant time period, including an amicus brief due July 23 in this Court in *Alabama, et al., v. California, et al.*, (No. 22O158), an argument in *Sr. Secured Noteholders v. DE Trust Co.*, Case No. 23-20557 (5th Cir.) in the week of September 2, 2024, and several other deadlines in August and September. Other members of the legal team likewise have conflicting professional and personal commitments. The issues in this case warrant careful briefing and consideration, which counsels in favor of the requested extension.

3. WHEREFORE, Petitioners respectfully request that an order be entered extending the time to file a petition for a writ of certiorari for 30 days, to and including September 18, 2024.

Dated: July 22, 2024

Respectfully submitted,

/s/ Noel J. Francisco
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