

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

**In The  
Supreme Court of the United States**

SGK PROPERTIES, L.L.C. and GARY P. KATZ,

*Petitioners,*

v.

U. S. BANK NATIONAL ASSOCIATION,

as Trustee for Lehman Brothers Small Balance Commercial Mortgage  
Pass-Through Certificates, Series 2007-3 and OCWEN LOAN SERVICING, L.L.C.

*Respondents.*

**On Writ of Certiorari  
To The United States Court of Appeals  
For The Fifth Circuit**

**APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT  
OF CERTIORARI TO JUSTICE ALITO**

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And *Pro Se*  
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Petitioners, in the above entitled action, SGK Properties, LLC and Gary Katz hereby apply for an Order from a Justice of this Court allowing for an extension of time of thirty (30) days within which to file a petition in this Court for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit.

In support of said Application, the undersigned representative for petitioners, relies upon the following facts:

1. On February 9, 2018, the United States Court of Appeals for the Fifth Circuit affirmed the District Court's summary judgment ruling against petitioners regarding the note's broken chain of title and lack of diversity of citizenship necessary to maintain Federal Court diversity subject-matter jurisdiction. **The decision is attached hereto.**

2. In the process of ruling on this appeal, the court of appeals determined that 1) a forgery of a special endorsement does not break the note's chain of title in contradiction to established Texas state law; 2) it could ascertain a trust's citizenship without the trust agreement to determine if the required degree of control has been met under *Navarro Savings Assn. v. Lee*, 446 U.S. 458, 464 (1980); 3) it did not need to use the members of the trust to determine diversity subject-matter jurisdiction for a business trust in contradiction to *Americold Realty Trust v. Conagra Foods, Inc.*, 577 U.S. \_\_, 136 S. Ct. 1012, 1016 (2016); and 4) allowed a Motion for Leave to Amend

to be denied without any justification in violation of *Foman v. Davis*, 371 U.S. 178, 182 (1962).

3. The petitioners believe that each one of these issues presents a unique and significant federal question which should be addressed and decided by this Court.

4. On or about April 6, 2018, the court of appeals denied Petitioners' petition for rehearing and rehearing *en banc* making the petition for certiorari currently due in this Court on or before July 5, 2018. The requested 30 day extension of time will extend the deadline till August 4, 2018.

5. Since that time, the petitioners have endeavored to decide whether these issues deserve to be reviewed by this Court. Specifically, petitioners have consulted attorneys nationwide as to the viability of a petition for writ of certiorari as well as to their willingness to proceed in this Court on petitioners' behalf as Counsel of Record;

6. The petitioners have decided to file a petition for writ of certiorari in this case. The additional time of thirty (30) days sought in this application is needed to complete consultations with the attorneys already contacted concerning this matter. In addition, the attorneys consulted need the additional time to prepare the petition, print it and submit the petition; and

7. No prejudice will be caused by the granting of this motion, as this case has been pending in Federal Court since January 9, 2014.

Respectfully submitted,



Gary P. Katz  
*Counsel of Record*  
And *Pro Se*  
For SGK Properties, LLC and  
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**Certificate of Service.**

I hereby certify that I have given the respondents' attorney of record notice of this Application by mailing a copy of same, first-class postage prepaid, to Counsel of Record: Erin E. Clark, MCGUIREWOODS LLP, 2000 McKinney Avenue, Suite 1400, Dallas, Texas 75201

A handwritten signature in black ink, appearing to read "Gary P. Katz", is written over a thin horizontal line.

Gary P. Katz