

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Estelle Stein,

Petitioner,

v.

United States of America,

Respondent.

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

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Counsel of Record for Petitioner Estelle Stein

To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eleventh Circuit:

Petitioner Estelle Stein respectfully requests a 60-day extension of time, to and including September 20, 2019, within which to file a petition for a writ of certiorari to the U.S. Court of Appeals for the Eleventh Circuit. The Eleventh Circuit issued its decision on April 23, 2019, *United States v. Estelle Stein*, 769 Fed. Appx. 828, 829 (11th Cir. 2019), and Stein filed no motion for rehearing. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1). Unless extended, the time within which to file a petition for a writ of certiorari will expire on July 22, 2019.

The Eleventh Circuit's decision is attached as Exhibit A.

This petition for a writ of certiorari will center primarily on whether the Eleventh Circuit contravened Federal Rule of Civil Procedure 56—and thus created conflict with federal appellate court precedent interpreting that rule—by affirming the district court's decision granting summary judgment to the Government following remand from an earlier appeal reversing summary judgment to the Government. Specifically creating decisional conflict, the court of appeals affirmed the district court's rulings that:

(1) prohibited Mrs. Stein from submitting evidence in opposition to the Government's new (post-remand) summary judgment motion that was not filed before the earlier appeal despite allowing the Government to submit new evidence in support of its new summary judgment motion; and

(2) both dictated and limited which arguments the parties could make regarding the Government's new (post-remand) motion for summary judgment.

Counsel was retained two weeks prior to the deadline for the petition for writ of certiorari and will not have adequate time to review the record and properly present the issues before this court. In addition to his regular appellate practice, which occupies the majority of his time, undersigned counsel of record, John G. Crabtree, has been fully preoccupied with other matters including the following time-intensive commitments: (1) acting as lead counsel in an ongoing, certified national class action in *Congdon v. Uber Technologies, Inc.*, 4:16-cv-02499-YGR (N.D. Cali.); and (2) working with recently-appointed co-lead counsel on behalf of the citizens of a number of states in *In re: Cathode Ray Tube (CRT) Antitrust Litigation*, 3:07-cv-05944 (N.D. Cali.) after convincing the Court of Appeals for the Ninth Circuit that a prior settlement agreement violated certain class members' due process rights and should be reconsidered. These responsibilities exist in tandem with multiple other appellate cases counsel is handling that are currently pending within Florida's appellate courts.

For these reasons, Stein requests the time to file a petition for certiorari be extended by 60 days, up to and including Sunday, September 20, 2019.

Respectfully submitted,



John G. Crabtree

Date: July 11, 2019

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CERTIFICATE OF SERVICE

As required by Supreme Court Rule 29.5, I, John G. Crabtree, a member of the Supreme Court Bar, hereby certify that one copy of the attached Application was served on July 11, 2019 through electronic mail to:

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Respectfully submitted,



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Dated: July 11, 2019

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