

CASE NO. _____

In The
SUPREME COURT OF THE UNITED STATES

Viktoria Benkovitch,
Applicant/Petitioner,

v.

Deutsche Bank National Trust Company, As Trustee
For Holders of The BCAP LLC Trust 2007-AA3,
Respondent.

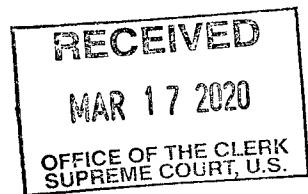
Application for an Extension of Time Within
Which to File a Petition for a Writ of Certiorari to the
United States Court of Appeals for the Eleventh Circuit

APPLICATION TO THE HONORABLE JUSTICE
CLARENCE THOMAS, ASSOCIATE JUSTICE
OF THE UNITED STATES SUPREME COURT AND
AS CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

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March 13, 2020

APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court and 28 USC Section 2101(c), Applicant Viktoria Benkovitch ("Benkovitch" or the "Applicant") respectfully requests a 60-day extension of time within which to file a petition for a writ of certiorari (the "Petition") up to and including Thursday May 14, 2020. The earliest deadline for the Applicant to file her Petition is Monday March 16, 2020 (the "Current Due Date") which is ninety days from Monday, December 16, 2019, the date when the United States Court of Appeals for the Eleventh Circuit (the "Appeal Court") entered an order denying Benkovitch's request for rehearing and rehearing en banc to said Appeal Court. In accordance with Supreme Court Rule 30.1, one day was added to the above calculation of time to move the date from Sunday March 15, 2020 to the "next day that is not a Saturday, Sunday, federal legal holiday, or day on which the Court building is closed," namely the Current Due Date of Monday March 16, 2020. For good cause and extraordinary circumstances described herein (the Pro Se Applicant has become ill while preparing her Petition), the Applicant respectfully requests that this deadline be extended by sixty days so that the new deadline would be Thursday May 14, 2020.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment of the Appeal Court for which review is sought is Viktoria Benkovitch v. Deutsche Bank National Trust Co., Appeal Case No. 18-11728, entered on September 23, 2019 (and attached herewith as Exhibit 1). The Appeal Court denied Benkovitch's petition for rehearing en banc on December 16, 2019 (attached as herewith as Exhibit 2).

JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. Section 1254(1). Under Rules 13.1, 13.3 and 30.1 of the Rules of this Court, and as computed above, a petition for a writ of certiorari was due to be filed on or before March 16, 2020. This application (the "Application") is being filed pursuant to 28 U.S.C. Section 2101(c); and, respectively, Rules 13.5 and 22.2 of the Rules of this Court in advance of the Current Due Date for the Petition and due to the extraordinary circumstances described below.

REASONS JUSTIFYING AN EXTENSION OF TIME

Applicant Benkovitch, appearing on a pro se basis, respectfully requests a 60-day extension of time, up to and including Thursday May 14, 2020, within which to file her Petition for a Writ of Certiorari seeking this Court's review of the decision of the Appeal Court.

As the Applicant does not have counsel, nor time to seek the assistance of counsel, she is requesting the extension because she has fallen ill and is currently confined to her bed. Because the Applicant is representing herself and researching, preparing and filing her pending Petition herself, her ability to timely complete and file the Petition has, therefore, been interrupted and compromised for unforeseen/unexpected reasons and despite her utmost diligence.

Secondly, as evidenced by the record of the Appeal Court, the 66-year old Applicant has an underlying medical condition that has previously confined her to bed and interrupted her everyday life tasks and this case itself. In fact, she continues to receive medical attention in Toronto, Canada where healthcare is provided to her

at minimal cost due to her citizenship of Canada. Moreover, over the past three days, the Applicant has experienced chills, body aches, a low-grade fever and coughing episodes which have further hampered her health and ability to complete and timely file her Petition by the Current Due Date. For preventive [pursuant to the current health environment and pandemic in North America] and recovery purposes, the Applicant has self-quarantined herself [including under her physician's instructions] in bed, at her home in Toronto, Canada.

Thus, for the above reasons - all of which are beyond her control and diligence - the Applicant cannot complete her necessary tasks and work to timely complete and file her Petition by the Current Due Date. The requested extension of time for said extraordinary circumstances will permit the Applicant the necessary time to adequately recover [including through the required/recommended quarantine period and bedrest] and effectively complete her Petition to file on or before May 14, 2020.

Importantly and as outlined above, the Applicant cannot have foreseen nor anticipated her current ailments as such symptoms and illness only appeared over the past three days while the Applicant was preparing her Petition. As a result, she could not have possibly known, nor foreseen, nor even been able to file this Application any earlier, including ten days prior to the Current Due Date of the Petition as set out in Rule 13.5. Thus, such unforeseen, critical and extraordinary circumstances further warrant this Application.

The Applicant's diligence in this Case is also noteworthy and supports this Application. As evidenced by the record below, other than for Oral Argument in the

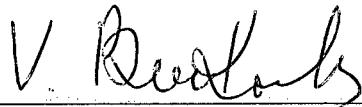
Appeal Court which she is not permitted to argue herself and was, therefore, represented by legal counsel for that event only, the Applicant has continued to appear on a pro se basis. She prepared and filed her own pleadings in full compliance with all the rules of appellate procedure and the Appeal Court's Local Rules. Her pleadings in the Appeal Court evidence the Applicant's adherence and respect for the law, the Court(s), the judicial system and its applicable procedures, and the Respondent in this case. In sum, the Applicant has and continues to be diligent and fully compliant in this case.

Also, pertinently, the Applicant's pending Petition presents close questions of national importance and which could be very well decided by this Court the other way that the Appeal Court did. The questions and issues raised by Benkovitch in the pending Petition directly affect the statutory context and construction of the Bankruptcy Code. Specifically, the Applicant's pending Petition will present substantial questions regarding the finality and res judicata effect of a confirmed bankruptcy plan and related bankruptcy court confirmation order; and, whether notions of equity and fairness override the express provisions of said confirmation order and the Bankruptcy Code itself. Further, not only is the Appeal Court's judgment contrary to this very Court's controlling precedent(s), but the issue(s) to be resolved by this Court include those of first impression with implications to the appropriate interpretation of the Bankruptcy Code.

CONCLUSION

WHEREFORE, for the foregoing reasons, good cause and extraordinary circumstances shown, the Applicant, Benkovitch, respectfully requests that this Honorable Court grant this Application for an extension of time of 60-days up to and through May 14, 2020 to file her Petition for Writ of Certiorari to this Court.

Respectfully Submitted,



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