

IN THE
Supreme Court of the United States

NARKIS ALIZA GOLAN,

Petitioner,

v.

ISACCO JACKY SAADA,

Respondent.

**APPLICATION FOR ISSUANCE OF A COPY OF THE OPINION AND
CERTIFIED COPY OF THE JUDGMENT FORTHWITH**

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June 24, 2022

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**TO THE HONORABLE SONIA M. SOTOMAYOR, ASSOCIATE
JUSTICE OF THE SUPREME COURT AND CIRCUIT JUSTICE FOR
THE SECOND CIRCUIT**

Respondent Isaaco Saada respectfully seeks an order pursuant to Rule 45.3 of the Rules of this Court directing the immediate transmission of the Court's opinion and certified copy of the judgment to the Clerk of the United States Court of Appeals for the Second Circuit with instructions that the Court of Appeals promptly remand the case to the District Court, so the District Court can "reach a final decision without further unnecessary delay." Slip op. 16. Counsel for Respondent emailed Petitioner Narkis Golan's counsel, Ms. Karen King and Mr. Daniel Levy, on June 22, 2022, and was advised that Petitioner consents to the relief sought in this application.

This case involves a petition filed by Mr. Saada under the Hague Convention on the Civil Aspects of International Child Abduction to obtain the return of his son, B.A.S., to Italy, so the Italian courts can resolve the custody dispute between Mr. Saada and Ms. Golan. The District Court granted the return order, and the Court of Appeals affirmed. On June 15, 2022, this Court vacated the judgment of the Court of Appeals and remanded the case to "allow the District Court to apply the proper legal standard" set forth in the Court's opinion. Slip op. at 16. The Court acknowledged that "[r]emand will as a matter of course add further delay," but it "trusts that the

District Court will move as expeditiously as possible to reach a final decision without further unnecessary delay.” *Id.*

An order immediately transmitting the Court’s opinion and judgment to the Court of Appeals with instructions to promptly remand the case to the District Court is needed to avoid unnecessary delay in the return of the case to the District Court. Absent such an order, the formal remand to the Court of Appeals will not occur for at least 25 days from the date the opinion was issued. *See* S. Ct. R. 45.2, 45.3. Further delay will also occur if the Court of Appeals does not promptly remand the case to District Court. The 25-day delay in remand to the Court of Appeals provides time to file a petition for rehearing with this Court. *See* S. Ct. R. 44.1. But Mr. Saada waives his right to seek rehearing in order to expedite the return of the case to the District Court. And no further proceedings are needed in the Court of Appeals, because this Court’s opinion makes it clear that the “District Court [is] to apply the proper legal standard in the first instance.” Slip op. at 16.

Expeditious return of the case will give the District Court time to accept briefing from the parties on the impact of this Court’s opinion and to reach a decision before October 12, 2022, when the Italian court has scheduled a hearing in the custody proceeding. The Italian court custody was originally scheduled to take place in April, and it was rescheduled to June to allow time for a decision from this Court. *See* Decree of the Court of First

Instance of Milan (issued December 16, 2021 and lodged with this Court on March 15, 2022). The Italian court has now rescheduled the hearing yet again to allow time for a final decision on whether B.A.S. will be returned to Italy. Expedition is necessary to avoid further delay.

CONCLUSION

For the foregoing reasons, the application for an order directing the immediate transmission of the Court's opinion and certified copy of the judgment to the Clerk of the United States Court of Appeals for the Second Circuit with instructions that the Court of Appeals promptly remand the case to the District Court should be granted.

Respectfully submitted

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