

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

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JAN M. SENSENICH, CHAPTER 13 TRUSTEE,

*Applicant,*

v.

PHH MORTGAGE CORPORATION,

*Respondent.*

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On Petition for a Writ of Certiorari  
to the United States Court of Appeals for the Second Circuit

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**APPLICATION FOR A FURTHER EXTENSION OF TIME WITHIN WHICH  
TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT**

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**To: The Honorable Sonia Sotomayor, Associate Justice of the  
United States Supreme Court and Circuit Justice for the United  
States Court of Appeals for the Second Circuit**

Applicant Jan M. Sensenich (“Sensenich” or “Trustee”) respectfully seeks a further extension of time within which to file a petition for a writ of certiorari to review the judgment of the U.S. Court of Appeals for the Second Circuit in this matter. Your Honor previously extended Sensenich’s time to file from January 30, 2022 to and including March 17, 2022 (a **46-day** extension). Sensenich now seeks a further extension of time to and including **March 31, 2022** (a **14-day** extension), consistent with the Court’s authority to “extend the time for applying for a writ of certiorari for a period **not exceeding sixty days.**” 28 U.S.C. § 2101(c).

This application is being filed on March 4, 2022—more than 10 days before Sensenich’s certiorari petition is due (on March 17). *See* S. Ct. R. 13.5. Copies of the Second Circuit’s precedential opinion and later denial of rehearing were included in the Appendix (“App.”) to Sensenich’s first time-extension application.

The following “good cause” grounds support this application:

1. As explained in the Trustee’s original time-extension application, this case concerns the ability of bankruptcy courts—and the chapter 13 trustees who serve them—“to enforce obedience” to the court’s “lawful orders, judgments, and processes.” *Ex parte Robinson*, 86 U.S. 505, 511 (1873). A divided Second Circuit panel invalidated a bankruptcy judge’s imposition of a Trustee-requested punitive fine against a home-mortgage creditor that violated the same bankruptcy rule an undisputed 75 times across three bankruptcy cases. *See* App.37-40 (panel dissent). The panel majority justified this holding on grounds that raise questions meriting this Court’s review. These questions include: (1) whether Bankruptcy Rule 3002.1 allows “punitive monetary sanctions” as “appropriate relief”—especially against a “serial violator” of the Rule; and (2) whether appellate courts are prohibited from applying the inherent-power doctrine to affirm rule-enforcing sanctions unless the sanctions order substantively discusses the doctrine and finds bad faith.

2. Since the Trustee filed his January 19, 2022 time-extension application, his appellate counsel-of-record, Mahesha P. Subbaraman, has become subject to an unexpected set of competing obligations. On January 20, 2022, the district court in *Brian T.D. v. Kijakazi* granted relief to Mr. Subbaraman’s client, a Social Security

claimant, based on an improper administrative-law-judge appointment. No. 19-cv-2542, 2022 U.S. Dist. LEXIS 10690 (D. Minn. Jan. 20, 2022) (order); *see also Carr v. Saul*, 141 S. Ct. 1352 (2021) (Court opinion by Sotomayor, J.) (holding that Social Security claimants may litigate appointments violations in district court without agency issue exhaustion). The *Brian T.D.* decision subsequently spawned requests for Mr. Subbaraman’s *pro bono* assistance litigating the same points on behalf of other claimants—requests that he accepted. Mr. Subbaraman’s time has since been consumed briefing these other cases. *See, e.g.,* Plaintiff’s Suppl. Mem., *Stephanie G. v Kijakazi*, No. 21-cv-1290 (D. Minn. filed Feb. 24, 2022) (ECF No. 33).

3. In addition to the above-described commitment, Mr. Subbaraman’s time since January 19, 2022 has been occupied researching, drafting, and filing a 52-page opening brief in *In re Estate of Figliuzzi*, No. A21-1035 (Minn.).

4. Finally, in the days before the Trustee’s present March 17 cert. petition deadline, Mr. Subbaraman must also complete the following work:

- Preparation of a joint amici brief for three environmental organizations and two scientists in *In re Pet. of MCEA for Commencement of an Env’tl Assessment Worksheet*, No. A20-1592 (Minn.) (brief due Mar. 7, 2022);
- Preparation of a reply brief for Appellants Mark McAfee and Farm-to-Consumer Legal Defense Fund in *McAfee v. U.S. Food & Drug Admin.*, No. 21-5170 (D.C. Cir.) (brief due Mar. 11, 2022); and
- Preparation of a response/reply brief for Appellant/Cross-Respondent Carter Justice in *Justice v. Marvel, LLC*, No. A20-1318 (Minn.) (cross-appeal) (brief due Mar. 21, 2022).

5. Mr. Subbaraman is a solo practitioner with no partners, associates, or legal support staff. He is also representing the Trustee *pro bono*.

6. Based on the above obligations and Mr. Subbaraman's solo-practitioner status, Mr. Subbaraman is unable to prepare an adequate certiorari petition for the Trustee absent the requested further time extension.

7. Given this reality and the ongoing importance of the questions raised by his case, the Trustee submits that good cause exists to support a further 14-day extension of the Trustee's deadline to file a certiorari petition.

Trustee Sensenich thus respectfully asks the Court to extend his time within which to file a certiorari petition to and including March 31, 2022.

Respectfully submitted,

Dated: March 4, 2022

**SUBBARAMAN PLLC**

By: /s/Mahesha P. Subbaraman  
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