

No. _____

In The
SUPREME COURT OF THE UNITED STATES

PORTFOLIO RECOVERY ASSOCIATES, LLC,
Applicant/Petitioner,

v.

IRIS POUNDS, CARLTON MILLER, VILAYUAN SAYAPHET-TYLER, and
RHONDA HALL, on behalf of themselves and all others similarly situated,
Respondents.

Application to Extend Time
to File a Petition for a Writ of Certiorari
to the Court of Appeals of North Carolina

APPLICATION TO THE HONORABLE JOHN G. ROBERTS, JR.,
CHIEF JUSTICE OF THE UNITED STATES, AS CIRCUIT JUSTICE

Jon Berkelhammer
Joseph D. Hammond
ELLIS & WINTERS LLP
Post Office Box 2752
Greensboro, NC 27402

Michelle A. Liguori
D. Scott Hazelgrove, II
ELLIS & WINTERS LLP
Post Office Box 33550
Raleigh, NC 27636

Brian D. Schmalzbach
Counsel of Record
MCGUIREWOODS LLP
800 East Canal Street
Richmond, Virginia 23219
(804) 775-4746
bschmalzbach@mcguirewoods.com

**Counsel to Applicant/Petitioner
Portfolio Recovery Associates, LLC**

January 13, 2022

APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Portfolio Recovery Associates, LLC hereby requests a 30-day extension of time within which to file a petition for a writ of certiorari up to and including Thursday, February 24, 2022.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *Iris Pounds et al. v. Portfolio Recovery Associates*, LLC, No. COA19-925 (N.C. Ct. App. Nov. 3, 2020) (attached as Exhibit 1). The Supreme Court of North Carolina denied Applicant's petition for discretionary review on October 27, 2021 (attached 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. § 1257. Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari is due on or before January 25, 2022. In accordance with Rule 13.5, this application is filed at least 10 days in advance of the filing date for the petition for a writ of certiorari.

REASONS JUSTIFYING AN EXTENSION OF TIME

1. Applicant has recently retained the undersigned counsel to assist in the preparation of its forthcoming petition regarding the North Carolina Court of Appeals' application of the Federal Arbitration Act. The requested extension of time is necessary to permit counsel to review the substantial previous briefing and the approximately 450-page record on appeal in order to complete a cogent and well-researched petition.

2. The requested extension of time is also necessary because of the press of other client business. The undersigned counsel has substantial overlapping briefing commitments, including a reply brief in *Kivett v. Flagstar Bank, FSB*, No. 21-15667 (9th Cir.) (due January 12, 2022); and a response brief in *Fralish v. Bank of America, N.A.*, No. 21-2846 (7th Cir.) (due January 31, 2022). Counsel also has previously scheduled family travel from January 20-23, 2022.

3. The requested extension of time is also necessary because, during the time for preparing a petition for certiorari in this matter, counsel who represented the Applicant in the North Carolina trial and appellate proceedings has been preparing for an out-of-state federal trial scheduled to begin in January. That case is *Lane v. New Gencoat, Inc.*, No. 3:18-cv-01386-JMC (D.S.C.). In addition, the time for preparing a petition for certiorari overlapped with the briefing period in an appeal in which that counsel represents the Applicant before the North Carolina Supreme Court in a case concerning a matter of first impression under North Carolina law. That case is *Townes v. Portfolio Recovery Associates, LLC*, No. 66PA21.

CONCLUSION

For these reasons, Applicant respectfully requests that this Court grant an extension of 30 days, up to and including February 24, 2022, within which to file a petition for a writ of certiorari in this case.

Date: January 13, 2022

Respectfully submitted,

McGUIREWOODS LLP



Brian D. Schmalzbach

Counsel of Record

McGUIREWOODS LLP

800 East Canal Street

Richmond, Virginia 23219

(804) 775-4746

bschmalzbach@mcguirewoods.com

ELLIS & WINTERS LLP

Jon Berkelhammer

Joseph D. Hammond

Post Office Box 2752

Greensboro, NC 27402

(336) 217-4193

(336) 217-4198

jon.berkelhammer@elliswinters.com

joe.hammond@elliswinters.com

Michelle A. Liguori

D. Scott Hazelgrove, II

Post Office Box 33550

Raleigh, NC 27636

(919) 865-7000

(919) 865-7010

michelle.liguori@elliswinters.com

scott.hazelgrove@elliswinters.com

Counsel to Applicant/Petitioner

Portfolio Recovery Associates, LLC