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IN THE
Supreme Court of the United States

KAREN M. SUBER,

Petitioner,

v.

VVP SERVICES, LLC, et al,

Respondents.

**APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR
WRIT OF CERTIORARI
TO THE U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT**

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May 31, 2023

APPLICATION

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

Pursuant to Rules 13.5, 22, 30.2 and 30.3 of the Rules of this Court and 28 U.S.C. § 2101(c), applicant Karen M. Suber respectfully requests a 60-day extension of time, to and including August 25, 2023, within which to file a petition for a writ of certiorari to review the decision of the U.S. Court of Appeals for the Second Circuit in this case, *Suber v. VVP Servs.*, No. 21-2649 (2d Cir. Jan. 10, 2023; *reh'g denied*, Mar. 27, 2023) (Appendix A).

1. The U.S. Court of Appeals for the Second Circuit issued its decision on March 27, 2023. Unless extended, the time to file a petition for certiorari will expire on June 26, 2023. *See* SUP. CT. R. 13.1. This application is being filed more than ten days before the petition is currently due. *See* SUP. CT. R. 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

2. This case presents questions on at least two important doctrinal issues, including questions relating to: (A) The interpretation and application of the New York long-arm statute and (B) the application of the criteria for the transfer of a legal proceeding from one U.S. District Court to another pursuant to 28 U.S.C. §1631 and 28 U.S.C. §1406(a). There are two additional issues that Petitioner may include in the petition for a writ of certiorari, subject to further legal analyses as to whether

their significance merits being brought before the Supreme Court of the United States.

Background

3. The Plaintiff-Petitioner in the underlying proceeding has been, and is, a member of the New York State Bar, and a senior attorney who has enjoyed practicing law at prestigious law firms in New York, New York. In June 2017, while practicing law in New York, Plaintiff-Petitioner learned of what appeared to be a lucrative employment opportunity working as the lead transactional attorney for a new venture sponsored by Defendants and located in California. Defendants, either themselves and through their agents, made material representations to Plaintiff-Petitioner, while Plaintiff-Petitioner was in New York and California, regarding the lucrative employment opportunity, which material representations caused Plaintiff-Petitioner, in August 2017, to accept an offer of employment from Defendant VVP Services and to relocate from New York to California.

4. Over the ensuing months, Plaintiff-Petitioner learned that the representations made were false, and Defendants never had any intention of operating legitimate businesses. Rather, Defendants had established, and were operating, a fraudulent enterprise, and, in fact, Defendants used the legal work products and services Plaintiff-Petitioner created and performed as an attorney barred in, and thereby authorized to practice law under the laws of, the State of New York in furtherance of Defendants' fraudulent activities in New York, New York (and other locations within the United States and Canada), including activities to defraud the New York Yankees among other New York-domiciled investors.

5. As a result of the material misrepresentations and other deleterious conduct of Defendants, upon the advice of ethics counsel, Plaintiff-Petitioner was compelled to resign from Defendant VVP Services in January 2018 pursuant to RULE 1.16 (Declining or Terminating Representation) of the NEW YORK RULES OF PROFESSIONAL CONDUCT. In October 2020, Plaintiff commenced the proceeding underlying this appeal in the U.S. District Court for the Southern District of New York. In September 2021, the U.S. District Court dismissed the proceeding without prejudice for lack personal jurisdiction over all Defendants with respect to all causes of action, asserting Plaintiff-Petitioner had not met her obligations under the “arise from” prong under the New York long-arm statute. In October 2021, Plaintiff-Petitioner appealed the entirety of the U.S. District Court’s order to the Second Circuit. In November 2018, Plaintiff-Petitioner filed a Fed. R. Civ. P. Rule 60(b) Motion with the U.S. District Court requesting, among other things, a transfer of the underlying proceeding to the U.S. District Court for the Central District of California. In June 2022, the U.S. District Court denied Plaintiff-Petitioner’s Rule 60(b) Motion and request for transfer. On January 10, 2023, the Second Circuit affirmed in part, and reversed and remanded in part, the U.S. District Court memorandum opinion and order, remanding for an issue that will not be the subject of the forthcoming petition for a writ of certiorari. On March 27, 2023, the Second Circuit denied Plaintiff-Petitioner’s petition for panel rehearing and rehearing *en banc*.

Reasons for Granting An Extension Of Time

6. Currently, in addition to the forthcoming petition for a writ of certiorari in this matter, the Plaintiff-Petitioner is involved with two legal proceedings, each of which is also related to this matter. First, there is a proceeding in the U.S. District Court for the Southern District of New York that is on remand from the U.S. Court of Appeals for the Second Circuit. *Suber v. VVP Servs.*, No. 21-2649, at *2, 15. Second, there is a proceeding in the U.S. District Court for the Central District of California, captioned as *Suber v. VVP Services, et al* (1:23-cv-02932 (SPG)), which Plaintiff-Petitioner commenced out of an abundance of caution, because Plaintiff-Petitioner's request for a transfer was denied. Thus, while Amos N. Jones of Amos Jones Law Firm represents Plaintiff-Petitioner, and Plaintiff-Petitioner has retained Mr. Jones to file a petition for writ of certiorari, Mr. Jones is also working assiduously with Plaintiff-Petitioner to secure additional legal counsel to aid in litigation strategy and work load in multiple judicial fora. In addition, both Mr. Jones and Plaintiff-Petitioner have pre-planned, long-standing professional and personal commitments, which include, among other commitments, the finalization of the curriculum for a law school course and appellate briefs due in another jurisdiction.

Finally, just on April 11, 2023, Mr. Jones suffered the loss of his 83-year-old mother, who was funeralized on April 18, 2023, requiring significant obligations in Central Kentucky, and while Mr. Jones has diligently worked to meet all of his existing deadlines, including the un-delayed timely filing of a petition for writ of certiorari on May 15, 2023, in the Fourth Circuit case captioned *Amos Jones v.*

Campbell University, Inc., John Bradley Creed, Robert Clyde Cogswell, Jr., Timothy Zinnecker, and Catholic University of America, docketed by the Supreme Court on May 19, 2023, as Case No. 22-1128 (involving full faith and credit of federal judicial orders, among other issues), all of the consequences of the loss of Mr. Jones's mother over Easter, including his responsibilities for certain time-sensitive affairs relating to the loss, have created extenuating circumstances as to time in this unique moment.

For the foregoing reasons, Plaintiff-Petitioner respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari in this matter by 60 days, up to and including August 25, 2023.

Respectfully submitted,

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