

No.

APPLICATION NO. 22A305

IN THE
SUPREME COURT OF THE UNITED STATES

October Term 2022

Tiffany Lay; Robert Lay, *Petitioners*

v.

United States of America, *Respondent*.

*Application for Extension of Time to File Petition for Writ of Certiorari
to the United States Court of Appeals for the Fifth Circuit*

To the Honorable Samuel A. Alito Jr., Associate Justice of the Supreme Court of the United States and Circuit Justice for the Court of Appeals for the Fifth Circuit:

Pursuant to Rule 13.5 of the Rule of this Court and 28 U.S.C. § 2101(c), Petitioners Tiffany and Robert Lay respectfully request for an additional 30-day extension of time totaling 60-days, to file their petition for certiorari to this Court to and including December 19, 2022.

1. This Court through the Honorable Justice Samuel Alito, Jr., previously granted the timely requested 30-day extension of time for filing a Petition for Writ of Certiorari in this matter, on October 12, 2022, “extend[ing] the time to and including November 19, 2022.”

Application of *Tiffany Lay et vir, v. United States*, Application No. 22A305. Petitioner respectfully incorporates the discussions outlining the “good cause” and meritorious nature of the 30-day Extension Application into the foregoing application requesting 60-days, with additional merits for “good cause” noted below. This request is being filed more than 10 days before the present deadline for Certiorari of November 19, 2022.

2. As noted on Page 3, at Footnote 2 of the previous Extension filing, “[t]here is a medical procedure scheduled for Petitioner’s counsel [Wein], that may justify an additional request for time to [be] sought with this Court for 60-days, through December 19, 2022. At this time, Petitioner is only requesting a 30-day extension.” Petitioners’ Lead Appellate Counsel Michael Wein is an attorney licensed in the State of Maryland, various Federal appellate courts, and a member of the Bar of this Court. Petitioners’ Counsel Corban Gunn, is an attorney licensed in the State of Mississippi, the Fifth Circuit Court of Appeals, and a member of the Bar of this Court.
3. Petitioner’s Counsel Wein, can update this Court, the major back surgery took place in late October 2022. In accordance with the medical advice for post-surgery recuperation, Counsel Wein is

presently severely limited in the office work for matters throughout most of November 2022. It is expected this will be relaxed in late November or early December. Extensions in other appellate and trial matters, have similarly sought or in the process of seeking postponement of matters, including a granted request for oral arguments in Maryland State Court originally scheduled in early December 2022, which was postponed to January 2023. *See e.g., Demetric Simon v. State of Maryland*, Sept. Term 2021 (No. 2084 & 2085).

4. A post-surgery consult, is presently scheduled about the same day as Certiorari is presently due with this Court of November 19, 2022. If this goes well, this should help confirm the relative success of the surgery and the course of treatment including future regular physical therapy. It is anticipated an additional 30-day extension for “good cause” is sufficient to ensure that Petitioners Lay will have a qualified Certiorari petition which properly frames and argues the complex matters of interest to this Court,¹ which will be timely filed

¹The *Lay* case directly involves at least two important Questions Presented, on the proper application of Federal Rule of Civil Procedure (FRCP) 52 and its requirements for trial judges to specifically issue findings of facts in bench trials with their evidentiary support, as well as the proper use and application of *dicta* in the Federal Circuit Courts of Appeal.

with this Court within the 60 days jurisdictional requirements. This can be accomplished, and good cause exists for extension, as without said extension, this work would unduly interfere with the medical advice and requirements standard in major back surgery to help maximize recovery, and will hopefully long-term allow significant appellate work in present and future cases. ²

Wherefore, Petitioners Tiffany and Robert Lay respectfully requests that an Order be entered extending time to petition for Writ of Certiorari an additional 30 days with this Court, for a total of 60 days, to and including December 19, 2022.

Respectfully Submitted,

/s/ Michael Wein

Michael Wein, Esquire

Law Offices of Michael A. Wein, LLC

7843 Belle Point Drive

Greenbelt, MD 20770

(301) 441-1151

Fax-(301) 441-8877

weinlaw@hotmail.com

² It was additionally noted at Paragraph 12 of the 30-Day request for Extension filed on or about October 7, 2022, a qualified Supreme Court printing company had been recently contracted to assist. With this Court's grant of a 30-day extension, Petitioner's counsel has confirmed said printer should be able to assist in this matter.

/s/Corban Gunn

Corban Gunn, Esquire

Corban Gunn, PLLC
175 Lameuse Street, Suite C
PO Box 1466
Biloxi, MS 39530
corban@corbangunn.com