

No. _____

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

ROBERT M. GLEN,
Applicant/Petitioner,

v.

**VISA INC., VISA U.S.A. INC., VISA INTERNATIONAL SERVICE
ASSOCIATION, MASTERCARD INCORPORATED, AND MASTERCARD
INTERNATIONAL INCORPORATED,**
Respondents.

**APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI**

To the Honorable Samuel A. Alito, Jr.
Associate Justice of the United States Supreme Court
And Circuit Justice for the Third Circuit

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

Applicant-Petitioner Robert M. Glen (“Glen”) respectfully requests an extension of time to file a petition for writ of certiorari. Sup. Ct. R. 13.5. The deadline for Glen to file his petition is Wednesday, November 16, 2022, which is 90 days from Monday, August 18, 2022, the date when the United States Court of Appeals for the Third Circuit issued an order rendering judgment for Respondents in two consolidated cases brought by Glen. For good cause set forth herein, Glen requests that this deadline be extended by 55 days so that the new deadline would be Tuesday, January 10, 2023.

BACKGROUND

This case arises under Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act, 22 U.S.C. § 6021 *et seq.* (the “Act”), which Congress passed in 1996. In the Act, Congress sought “to protect United States nationals against confiscatory takings and the wrongful trafficking in property confiscated by the Castro regime.” 22 U.S.C. § 6022(6). Title III of the Act grants to victims of these confiscations a private right of action against any person now “trafficking” in confiscated property, including those engaging in commercial activity that uses or benefits from confiscated property. *Id.* §§ 6082(a)(1)(A) (express private right of action); 6023(13) (definition of “trafficking”).

Pursuant to 22 U.S.C. § 6085(b), Title III’s private right of action was suspended by the Executive Branch from March 1996 until May 2019, when the Trump administration lifted the suspension for the first time. In the decision below,

the Third Circuit held that Glen satisfied Article III standing, but dismissed Glen's claim as a matter of statutory construction and collateral estoppel, relying on a prior opinion issued by the Fifth Circuit that held that U.S. victims who inherited claims to confiscated property are barred from pursuing those claims. Other actions arising under the Act are pending across the country, including multiple cases at the Eleventh Circuit.

OPINIONS BELOW

The August 18, 2022 Opinion of the United States Court of Appeals for the Third Circuit is reproduced at Appendix A. The March 30, 2021 Memorandum Opinion and Order of the United States District Court for the District of Delaware is reproduced at Appendix B.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1254(1).

REASONS EXTENSION IS JUSTIFIED

The specific reasons why an extension of time is justified are as follows:

1. This case presents a substantial and important question of federal law: whether victims like Glen are totally barred from asserting trafficking claims under the Act, contrary to Congress's intent.

2. The Third Circuit's opinion interprets a federal Act and remedial scheme that has never been interpreted by this Court in light of the 23-year suspension of the private right of action between passage of the Act in 1996 and 2019. This case will present the Court's first opportunity to decide or settle important and

core questions of national importance that are now arising under the Act for the first time.

3. Glen's case presents materially similar questions to those *sub judice* in three consolidated appeals pending before the Eleventh Circuit: *Garcia-Bengochea v. Carnival Corp.*, No. 20-12960, *Garcia-Bengochea v. Royal Caribbean Cruises, Ltd.*, No. 20-14251, and *Del Valle v. Trivago GMBH et al.*, No. 20-12407. The Eleventh Circuit held a lengthy oral argument in those case over one year ago, on October 4, 2021. Following oral argument, the Court called for the views of the United States on several statutory-construction issues that have arisen under the Act, including whether victims like Glen can pursue claims that they inherited from family members. An extension of Glen's deadline may allow him to incorporate any intervening decision from the Eleventh Circuit into his petition.

4. The requested extension also is necessary to accommodate pressing deadlines in the undersigned's other matters. These matters include an October 31, 2022 deadline to file a motion for summary judgment in *Henrich v. Kapoor*, No. 21-50557 (Bankr. D. Del.); a confidential mediation scheduled for November 15, 2022 that requires briefing and cross-country travel; a December 14, 2022 deadline to file a responding brief in *Perkins v. Hart et al.*, No. 22-30456 (5th Cir.); and ongoing discovery matters and hearings in a AAA commercial arbitration. A 55-day extension will also ensure adequate time to complete the petition after the holidays.

CONCLUSION

For the foregoing reasons and good cause shown, Glen respectfully requests that this Court grant this application for an extension of time to file a petition for writ of certiorari for 55 days, up to and including January 10, 2023.

Dated: October 26, 2022

Respectfully submitted,

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