

UNITED STATES SUPREME COURT

MICHAEL S. HELMSTETTER )  
 )  
Appellant Movant/Debtor )  
 ) Appeal from the United States Circuit  
 ) Court for the Seventh Circuit  
 )  
 )  
 )  
 ) Presented to  
 ) Honorable Amy Coney Barrett  
DAVID HERZOG, Trustee/Appellee )  
 )  
Appellees.

**APPELLANT MOVANT/DEBTOR’S MOTION FOR EXTENTION OF TIME  
TO FILE PETITION FOR WRIT OF CERTIOARI**

NOW COMES Appellant Movant/Debtor Michael S. Helmstetter, by and through his attorney Nicola S. Tancredi, Law Offices of Nicola S. Tancredi, Oakbrook Terrace, Il., and moves this Honorable Court for an Extension of Time to File a Petition for Writ of Certiorari and such other Relief as this Honorable Court may deem just and appropriate; and in support of these motions states as follows:

1. This matter arises from a decision of the Circuit Court of Appeals for the Seventh Circuit issued August 11, 2022. (Exhibit 1).
2. Appellant Movant/Debtor’s Petition for Writ of Certiorari is currently due on November 9, 2022. In accordance with United States Supreme Court

- Rule 13.5, motions for extension of time must be filed ten (10) days prior to the due date.
3. During the period from the issuance of the decision on August 11, 2022 to the present; the undersigned counsel for Appellant Movant/Debtor has been and continues to be materially physically compromised and incapacitated by Stage 3 Lung Cancer incidentally detected during a urological examination.
  4. The undersigned counsel has undergone a series of intense tests and diagnostic procedures at the Northwestern Memorial Hospital Robert H. Lurie Comprehensive Cancer Institute including a Bronchoscopic Biopsy requiring general anesthesia on August 16, 2022.
  5. A lobectomy was performed on September 16, 2022 which removed the entire lower lobe of counsel's right lung. Post-surgical complications required hospitalization until September 21, 2022.
  6. On October 13, 2022, the undersigned counsel began 15 months of Chemotherapy and immunotherapy. Side effects of these therapies prohibits currently continuing legal representation.
  7. Rule 13.5 allows for a sixty (60) day extension of time.
  8. Given that substitution of counsel is required; we respectfully request this Honorable Court grant an exception to policy and allow an extension of time of no less than six months.
  9. Granting this motion will not prejudice Appellee.

10. Denying this motion will greatly prejudice Appellant.

11. Appellant's counsel has conferred with Appellee's counsel who does oppose this motion.

Wherefore Appellant Debtor MICHAEL S. HELMSTETTER, by and through his attorney Nicola S. Tancredi, respectfully prays this Honorable Court for an on Order granting an extension of time to file a Petition for Writ of Certiorari of no less than six months.

/s/ Nicola S. Tancredi

LAW OFFICE OF NICOLA S.  
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