

No. \_\_\_\_\_

**IN THE SUPREME COURT OF THE UNITED STATES**

**DIANA LOUISE HOUCK, PETITIONER,**

**v.**

**LIFESTORE BANK, N.A. and GRID FINANCIAL SERVICES, Inc., RESPONDENTS**

**APPLICATION FOR EXTENSION OF TIME  
TO FILE PETITION FOR WRIT OF CERTIORARI  
PURSUANT TO RULE 13.5**

To the Honorable John G. Roberts, Jr., Chief Justice of the United States Supreme Court and  
Circuit Justice to the Fourth Circuit:

1. Petitioner Diana Louise Houck respectfully makes an application to the Court for an extension of 60 days to file her Petition for Writ of Certiorari pursuant to Supreme Court Rule 13.5. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).
2. The Fourth Circuit entered the mandate denying Ms. Houck's petition for rehearing and petition for rehearing *en banc* on August 25, 2022, in case 21-1280. Her Petition for Writ of Certiorari is due on November 23, 2022. This motion is being filed more than 10 days prior to that due date as required by Rule 13.5. A copy of the Fourth Circuit's opinions dismissing the appeal and denying rehearing and rehearing *en banc* are attached to this motion.
3. Ms. Houck's case was initially filed almost 12 years ago, has been to oral argument twice in the Fourth Circuit (which also considered a writ of mandamus), and presents several very important and complex questions of law that are unanswered among the Circuits, and which have worked manifest injustice as shown in this case. There is binding precedence which should have guided the lower courts but was not followed and which should be enforced by this Court.

4. This case involves the question of involuntary cumulative finality, which was thrust upon Ms. Houck without warning. She had not requested a final determination in the case and never expected one. The result is that the lower courts have determined that she slept on her right to appeal the dismissal of two defendants without knowing it; a decision that is clearly unjust.
5. Of equal importance is the fact that this case is closed without a final judgment for all claims against all parties in clear violation of the Rules of Civil Procedure. No lower court will answer why this case is closed without a final order and no defendant has argued why this should be allowed.
6. The undersigned had hoped to timely prepare and file Ms. Houck's Petition for Writ of Certiorari but will be unable to do so due to a recent physical injury that prevents counsel from using a keyboard and which often interrupts counsel's ability to perform legal duties. Counsel is in physical therapy at this time to hopefully resolve this issue quickly.
7. The extension of time is also necessary because of the press of other client business. Counsel is also involved in a trial to be held beginning November 11, 2022. (See, Final Pretrial Order, *Jones v. Central Loan Administration and Reporting*, Case No. 3:20-CV-445-GCM-DCK, entered September 26, 2022) (Doc. 72). The combination of counsel's injury and the timing of the cited trial has rendered the undersigned unable to timely complete the Petition for Writ of Certiorari in this case. Counsel is a partner of a two-member firm, so the responsibilities of the trial fall upon counsel.
8. Finally, the record in this case is extensive; this case has been assigned nine case numbers between the district, bankruptcy, state and appellate courts, so there is much work to do on the appeal.

9. The undersigned thus requests an extension of time for 60 days, up to and including January 23, 2023, to file Ms. Houck's Petition for Writ of Certiorari.

Respectfully submitted today, November 2, 2022.

**COLLUM & PERRY**

/s/ M. Shane Perry

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