

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

No. 23-1120

DABETH MANNS,  
*Petitioner,*

v.

U.S. BANK, N.A. AS TRUSTEE FOR BANC OF AMERICA FUNDING  
CORPORATION 2007-03  
*Respondent.*

To the Clerk of Court:

Pursuant to Supreme Court Rule 30.4, Respondent U.S. Bank, N.A. as Trustee for Banc of America Funding Corporation 2007-03 (“U.S. Bank”) respectfully requests a 30-day extension of time to file its Brief in Opposition to Petitioner’s DaBeth Manns’ Petition for Writ of Certiorari.

The underlying case in this matter was a foreclosure action against DaBeth Manns in D.C. Superior Court captioned *U.S. Bank National Association, as Trustee for Banc of America Funding Corporation 2007-3 v. Dabeth Manns*, 2018 CA 006062 R(RP). After years of contesting the foreclosure action, DaBeth Manns entered into an agreement with U.S. Bank wherein she cured the default and reinstated the loan. On August 13, 2021, U.S. Bank, by counsel,

dismissed the foreclosure action without prejudice. DaBeth Manns objected that dismissal should be “with prejudice” and subsequently filed a Notice of Appeal related to the dismissal on September 27, 2021, to the D.C. Court of Appeals, case number 21-CV-675. The judgment affirming the lower court orders was entered by the D.C. Court of Appeals on August 25, 2022, and a petition for rehearing denied September 15, 2022.

Though U.S. Bank’s counsel received a few emails related to DaBeth Mann’s attempts to submit a Motion for Leave to late file her Petition for Writ of Certiorari in late 2022, the only response received from this Court was a rejection. When no further pleadings were received and the matter did not appear on the docket, U.S. Bank marked the contested matter as resolved and closed out its file with undersigned counsel’s office.

In March, after more than a year of no correspondence or documents in the matter, undersigned counsel’s office received notice of an attempt to file a Petition of Writ of Certiorari. The clerk’s office advised undersigned counsel’s office that the Clerk of Court was reviewing to determine if the Petition would be accepted more than a

year later. Ultimately, the Petition was accepted April 16, 2024, without further notice to U.S. Bank or undersigned counsel's office. When undersigned counsel became aware the Petition had been accepted, U.S. Bank was alerted to this development.

Currently, U.S. Bank is reviewing the allegations and determining how to proceed as the underlying case was dismissed nearly three years ago and the loan remains current. Though U.S. Bank is aware that a response is not required at this stage, there are certain statements within DaBeth Manns' Petition which imply the matter on appeal is more substantial than merely whether or not the dismissal was with or without prejudice.

As such, U.S. Bank is requesting additional time to review and determine the best course of action and how to respond to DaBeth Mann's Petition.

Respectfully submitted,

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*Counsel for Respondent*

## Proof of Service

I, Regina M. Slowey, hereby certify that I am a member of the Bar of this Court and that a true and correct copy of above Motion to Extend was served by first-class, postage prepaid United States mail on May 16, 2024, as follows:

DaBeth Manns  
2211 31<sup>st</sup> Place SE  
Washington, DC 20020

Date: May 16, 2024

By: Regina M. Slowey  
Orlans PC  
PO Box 5041  
Troy, MI 48007  
*Counsel for Respondent*