

No. _____

IN THE
Supreme Court of the United States

PAULETTE BARCLIFT,

Applicant,

v.

KEYSTONE CREDIT SERVICES, LLC,

Respondent.

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

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**APPLICATION FOR EXTENSION OF TIME TO
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To: Associate Justice Samuel Alito, Circuit Justice for the United States Court of Appeals for the Third Circuit:

Under this Court's Rules 13.5 and 22, Applicant Paulette Barclift ("Applicant") respectfully requests an extension of sixty (60) days to file a petition for a writ of certiorari. The forthcoming petition will seek review of the decision of the U.S. Court of Appeals for the Third Circuit in *Barclift v. Keystone Credit Services, LLC*, 93 F.4th 136 (3rd Cir. 2024), a copy of which is attached to this application. In support of this application, Applicant states the following:

1. The Third Circuit issued its opinion on February 16, 2024. Without an extension, the petition for a writ of certiorari will be due on May 16, 2024. With the requested extension of sixty (60) days, the petition would be due on July 15, 2024. Consistent with Rule 13.5, the instant application is filed more than ten (10) days before the petition for certiorari is currently due. This Court's jurisdiction will be based on 28 U.S.C. § 1254(1).

2. In the decision below, the Third Circuit affirmed the district court's dismissal of claims that Applicant brought against Respondent under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*, based on a lack of Article III standing. *Barclift*, 93 F.4th at 140.

3. In affirming dismissal of the case, the Third Circuit held that, under this Court's decision in *TransUnion*, a court must assess the "kind" of harm at issue to

determine whether a harm is “concrete,” i.e. whether it “has a ‘close relationship’ to a harm traditionally recognized as providing a basis for a lawsuit in American courts.” *Id.* at 145 (quoting *TransUnion LLC v. Ramirez*, 594 U.S. 413, 141 (2021)). In doing so, the Third Circuit deepened a split among the Circuits around whether “concreteness” should be determined by assessing the “elements” of a comparator tort, *see Hunstein v. Preferred Collection & Mgmt. Servs., Inc.*, 48 F.4th 1236, 1240 (11th Cir. 2022) (en banc); *Nabozny v. Optio Sols. LLC*, 84 F.4th 731, 737 (7th Cir. 2023), or the “kind of harm,” *see Shields v. Professional Bureau of Collections of Maryland, Inc.*, 55 F.4th 823, 829 (10th Cir. 2022); *Barclift*, 93 F.4th at 145. The Third Circuit also misapplied the “kind of harm” test and impermissibly restricted Congress’ ability to create statutory causes of action. *Compare Barclift*, 93 F.4th at 145–48 with *Gadelhak v. AT&T Servs., Inc.*, 950 F.3d 458, 463 (7th Cir. 2020) (Barett, J.) (applying a less restrictive version of the test).

4. There is good cause for this extension request. *First*, the applicant only recently retained the undersigned to act as counsel of record for its Supreme Court petition. Additional time is thus needed to permit the undersigned counsel to fully investigate the complicated legal questions involved in the case and to prepare a petition for certiorari that addresses those issues.

5. *Second*, undersigned counsel also have extensive professional obligations between now and May 16, 2024, further necessitating this extension request. Among other press of business, those include:

- a. For lead counsel, Mr. Sullivan, (i) court conferences on May 7 and May 9; (ii) three scheduled depositions to occur in the first half of May; and (iii) two briefs due before May 15, including an opposition to a motion to dismiss due on April 26.
- b. For co-lead counsel, Mr. Dubinsky, (i) closing argument for an evidentiary hearing in a federal case on April 29, 2024; and (ii) a deposition on May 9 and 10.
- c. For undersigned counsel, Mr. Goldman, a jury trial in federal court in Seattle, WA beginning May 16, 2024, lasting through May 28, 2024.

6. This application should be granted, and the deadline for Applicant to file her petition for a writ of certiorari should be extended to July 15, 2024.

7. Applicant notified counsel for Respondent of its intent to file this Motion, and counsel for Respondent stated that it does not oppose the Motion.

Dated: April 19, 2024

Respectfully submitted,

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