

No. 23-

IN THE
Supreme Court of the United States

BINANCE and CHANGPENG ZHAO,
Applicants/Petitioners,
v.

JD ANDERSON, CORY HARDIN, DAVID MUHAMMAD, RANJITH THIAGARAJAN, and CHASE
WILLIAMS, individually and on behalf of all others similarly situated,
Respondents.

**APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF
CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT**

**To the Honorable Justice Sonia Sotomayor, Associate Justice of the
Supreme Court and Circuit Justice for the Second Circuit:**

Pursuant to Rule 13.5 of the Rules of this Court, Applicants Binance¹ Holdings Limited (“BHL”) and Changpeng Zhao respectfully request a 60-day extension of time to file a petition for a writ of certiorari up to and including Monday, September 23, 2024. Unless extended, the deadline for BHL and Mr. Zhao to file a petition for a writ of certiorari will expire on July 25, 2024. In accordance with Rule 13.5, this application is being filed more than 10 days in advance of the filing date for a petition for a writ of certiorari.

¹ Plaintiffs’ operative complaint purports to assert claims against “Binance,” an entity which is alleged to be a defendant but does not exist. For present purposes, we assume Plaintiffs’ references to “Binance” are to BHL. Pursuant to Supreme Court Rule 29.6, BHL discloses that it has no parent corporation and no publicly held corporation owns 10% or more of its stock.

OPINION FOR WHICH REVIEW IS SOUGHT

The Second Circuit's opinion for which review is sought is *Williams v. Binance*, 96 F.4th 129 (2d Cir. 2024) (attached as Exhibit 1). The Second Circuit denied the Applicants' petition for rehearing and rehearing *en banc* on April 26, 2024 (attached as Exhibit 2), which was filed by the Applicants' then-counsel of record.

This case presents significant questions regarding the presumption against the extraterritorial application of the federal securities laws. Specifically, the case involves the Second Circuit's misapplication of this Court's decision in *Morrison v. Nat'l Australia Bank Ltd.*, 561 U.S. 247 (2010), and the extension of the domestic securities laws to offshore transactions.

JURISDICTION

This Court will have jurisdiction over any timely filed petition for a writ of certiorari in this case pursuant to 28 U.S.C. § 1254(1).

REASONS JUSTIFYING AN EXTENSION OF TIME

The Applicants respectfully submit that a 60-day extension of time to file a petition for a writ of certiorari is necessary because their undersigned counsel were only recently retained, and first appeared for the Applicants on May 2, 2024. The extension is further warranted because the Applicants and their undersigned counsel have numerous other filings in litigations involving the Applicants due in the weeks leading up to, and immediately following, the current filing deadline. These include a motion to dismiss brief in the instant putative securities class action, *Williams v. Lee*, No. 20 Civ. 2803 (S.D.N.Y.), due July 23; a motion to dismiss brief in *Lahav v.*

Binance Holdings Ltd., No. 24 Civ. 21421 (S.D.Fla.), a putative class action on behalf of FTX exchange customers that is part of the FTX collapse multi-district litigation, due July 24; a reply brief in support of another motion to dismiss in *Raanan v. Binance Holdings Ltd.*, No. 24 Civ. 697 (S.D.N.Y.), a lawsuit alleging Anti-Terrorism Act violations, due August 2; and a reply brief in support of a venue transfer motion in *Gess v. Binance Holdings Ltd.*, No. 24 Civ. 134 (M.D.Al.), another Anti-Terrorism Act lawsuit, due August 9. The Applicants respectfully request the extension so that they and their undersigned counsel have adequate time to prepare an appropriate petition regarding the significant and complex issues presented by this case.

CONCLUSION

For the foregoing reasons, Applicants respectfully request that this Court grant an extension of 60 days, up to and including Monday, September 23, 2024, within which to file a petition for a writ of certiorari.

June 21, 2024

Respectfully submitted,

/s/ Herbert S. Washer

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