

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

_____ Term, _____

KEVIN ROTKISKE,

Petitioner,

v.

PAUL KLEMM, et al.

Respondents.

MOTION FOR ENLARGEMENT OF TIME TO FILE A
PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

TO THE HONORABLE SAMUEL ALITO, JR., ASSOCIATE JUSTICE OF THE SUPREME COURT OF
THE UNITED STATES AND CIRCUIT JUSTICE FOR THE THIRD CIRCUIT:

Petitioner, Kevin Rotkiske prays for a 60-day extension to file a Petition for Writ of
Certiorari in this Court to and including October 12, 2018. R. 13.5.

The decision of the United States Court of Appeals for the Third Circuit was issued on
May 15, 2018. Thus, Petitioner's time to file a Petition for Writ of Certiorari currently expires on
August 13, 2018.

A copy of the opinion below is attached. (Exh. A).

Jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

This Motion is filed less than ten (10) days prior to the above-referenced Petition's
deadline (but, before that deadline). R. 13.5.

As shown by the opinion below (*en banc*), this case presents an important question regarding the federal courts' application of the "discovery rule" in the context of the Fair Debt Collection Practices Act ("FDCPA"): an issue on which the circuits are split. In contrast to the Third Circuit below (the dissenting circuit), the Fourth Circuit (Lembach v. Bierman¹) and Ninth Circuit (Mangum v. Action Collection Service, Inc.²) hold the discovery rule does apply.

The Third Circuit's rejection of the discovery rule in contrast to the above circuits is a harsh result especially in light of the remedial nature of the FDCPA's congressional consumer benefit intents.

Extension of time to file the Petition for Writ of Certiorari is requested because undersigned counsel has never appeared on behalf of a litigant before this Honorable Court and requires additional time to become more acquainted with this Honorable Court's Rules; and to prepare Petitioner's putative petition towards this Court's just, accurate and fair adjudication. If this Motion is denied, irreparable prejudice will result to Petitioner as well as member citizens of the Third Circuit.

WHEREFORE, Petitioner respectfully requests that an order be entered enlarging time to file a Petition for Writ of Certiorari by sixty (60) days.

WEISBERG LAW

/s/ Matthew B. Weisberg
Matthew B. Weisberg, Esquire
Attorney for Petitioner

¹ 528 Fed. Appx. 297 (C.A.4 2013).

² 575 F.3d 935 (C.A.9 2009).