

No. _____

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

ANDREA LEA, in her official capacity
as Auditor of the State of Arkansas,

Applicant,

v.

UNITED STATES and JAKE LATURNER,
Treasurer of the State of Kansas,

Respondents.

On Application for an Extension of Time Within Which
To File a Petition for Writ of Certiorari to the
United States Court of Appeals for the Federal Circuit

**APPLICATION TO THE HON. JOHN G. ROBERTS, JR. FOR
AN EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION
FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

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February 28, 2020

To the Honorable John G. Roberts, Jr., Chief Justice of the United States and Circuit Justice for the Federal Circuit:

Pursuant to Rules 13.5 and 22, the above-captioned Applicant respectfully moves for an extension of time granting an additional 59 days in which to file a petition for writ of certiorari to the United States Court of Appeals for the Federal Circuit in *LaTurner v. United States*, Nos. 18-509 & 18-1510. The jurisdiction of this Court is based on 28 U.S.C. § 1254(1). The opinion for which Applicant intends to seek the writ (a copy of which is included as Exhibit A) was filed on August 13, 2019, and Applicant's timely motion for rehearing en banc was denied by an Order entered December 11, 2019 (a copy of which is included as Exhibit B), so under the ordinary timing requirements in Rule 13.1, Applicant's petition is due on March 10, 2020. With the additional 59 days Applicant is requesting, the petition would be due on May 8, 2020. In support of her request, Applicant states as follows:

1. Counsel for the Applicant is heavily engaged during the months of March and April with substantial briefing obligations in several pending matters, including *NAACP State Conference v. Raymond*, No. 20-1092, pending before the Fourth Circuit. Further, Counsel is actively involved in ongoing mediation briefing and proceedings in *In Re: U.S. Office of Personnel Management Data Security Breach Litigation*, No. 15-2394, pending before the U.S. District Court for the District of Columbia. And Counsel also has substantial discovery deadlines and obligations in the coming months in *Fairholme Funds, Inc. v. Federal Housing Finance Agency*, No. 13-1053 (D.D.C.) and *111 West 57th Investment LLC v. 111W57 Mezz Investor LLC*, No. 655031/2017 (N.Y. Sup. Ct.).

2. The Federal Circuit's decision presents substantial issues of law, including (1) whether the States' authority to escheat abandoned property is preempted by federal law, even

though the relevant statutes and regulations say nothing about escheatment and the Third Circuit has interpreted the same regulations as in fact *allowing* escheatment, (2) whether States holding title to abandoned savings bonds pursuant to escheatment are barred by Treasury's regulations from ever redeeming those bonds, and (3) if so, whether the massive appropriation of property effected by Treasury's regulations violates the Takings Clause.

3. The importance of these issues is underscored by the fact that the decision below, in answering some or all of these questions, expressly departed from the directly contrary conclusion of the Third Circuit in *Treasurer of New Jersey v. United States Department of Treasury*, 684 F.3d 382 (3d Cir. 2012). The Federal Circuit's answer below also contradicts repeated statements by *Treasury itself*, including representations made by the United States in a brief filed before this Court. See Brief for Resp'ts in Opp'n at 4, *Director of the Dep't of Revenue of Mont. v. Department of Treasury*, 133 S. Ct. 2735 (2013) (No. 12-926), 2013 WL 1803570. Applicant requests an additional 59 days to better enable Counsel to prepare a petition that adequately presents these important legal issues to this Court for consideration.

4. The Federal Circuit consolidated this case for argument with another case, *LaTurner v. United States*, and it decided the two cases together with a single published opinion. Counsel for the plaintiff in *LaTurner* (a Respondent here, pursuant to Rule 12.6) recently filed an application seeking an extension of time within which to file a petition for certiorari, requesting the same revised deadline sought by Applicant here: May 8, 2020. Given the identity of the issues in this case and *LaTurner*, Applicant submits that keeping the two cases on the same track—such that the cert. petitions in the two cases can be briefed, considered, and decided on the same timeline—provides an additional reason for extending the deadline in this case.

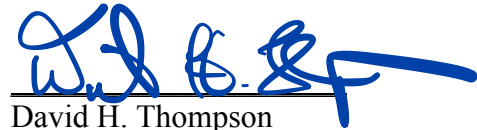
5. Because the trial court, at the direction of the Federal Circuit, has entered judgment in favor of the government, Respondent United States will suffer no prejudice from the 59-day extension Applicant is requesting.

For the foregoing reasons, Applicant hereby respectfully requests an extension of time up to and including May 8, 2020, for the filing of a petition for writ of certiorari in this case.

Dated: February 28, 2020

Respectfully submitted,

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