

No. _____

IN THE
Supreme Court of the United States

STEVEN M. GREENBAUM, ON BEHALF OF HIMSELF INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF JUDITH (SHOSHANA) LILLIAN GREENBAUM, DECEASED; ALAN D. HAYMAN; SHIRLEE HAYMAN; JASON KIRSCHENBAUM; DANIELLE LYNN TEITLEBAUM; JOSHUA J. KIRSCHENBAUM; DAVID KIRSCHENBAUM; MARTIN KIRSCHENBAUM; ISABELLE KIRSCHENBAUM; CARLOS ACOSTA; MARIA ACOSTA; TOVA ETTINGER; BARUCH KAHANE; LIBBY KAHANE, ON HER OWN BEHALF AND AS ADMINISTRATOR OF THE ESTATE OF THE LATE MEIR KAHANE AND BINYAMIN KAHANE; NORMAN KAHANE, ON HIS OWN BEHALF AND AS EXECUTOR OF THE ESTATE OF THE LATE SONIA KAHANE; CIPPORAH KAPLAN; ELIZABETH RICH, AS EXECUTRIX FOR THE ESTATE OF IRVING FRANKLIN AND THE ESTATE OF IRMA FRANKLIN; HARRY BEER, ON HIS OWN BEHALF AND AS EXECUTOR OF THE ESTATE OF THE LATE ALAN BEER; ANNA BEER; PHYLLIS MAISEL; AND ESTELLE CARROL,

Petitioners,

- v. -

ISLAMIC REPUBLIC OF IRAN,

Defendant,

UNITED STATES OF AMERICA,

Respondent.

**APPLICATION FOR A 30-DAY EXTENSION OF TIME TO FILE A
PETITION FOR A WRIT OF CERTIORARI**

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Counsel for All Petitioners

TO THE HONORABLE JOHN G. ROBERTS, JR., CHIEF JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE DISTRICT OF COLUMBIA CIRCUIT:

Pursuant to Supreme Court Rules 13.5, 22, and 30.3, the Applicants listed herein (all Petitioners) respectfully move for an extension of time of 30 days, up to and including November 9, 2023, within which to file a petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit: Steven M. Greenbaum, on behalf of himself individually and as Administrator of the Estate of Judith (Shoshana) Lillian Greenbaum, deceased; Alan D. Hayman; Shirlee Hayman; Jason Kirschenbaum; Danielle Lynn Teitlebaum; Joshua J. Kirschenbaum; David Kirschenbaum; Martin Kirschenbaum; Isabelle Kirschenbaum; Carlos Acosta; Maria Acosta; Tova Ettinger; Baruch Kahane; Libby Kahane, on her own behalf and as Administrator of the Estate of the late Meir Kahane and Binyamin Kahane; Norman Kahane, on his own behalf and as Executor of the Estate of the late Sonia Kahane; Cipporah Kaplan; Elizabeth Rich, as Executrix for the Estate of Irving Franklin and the Estate of Irma Franklin; Harry Beer, on his own behalf and as Executor of the Estate of the late Alan Beer; Anna Beer; Phyllis Maisel; and Estelle Carrol.

1. Applicants will seek review of *Greenbaum v. Islamic Republic of Iran*, 67 F.4d 428 (D.C. Cir. 2023) (attached as Exhibit A). The District of Columbia Circuit denied Applicants' Petition for Panel Rehearing or Rehearing *En Banc* in separate Orders issued on July 10, 2023. (Attached as Exhibit B (Order denying petition for panel rehearing) and Exhibit C (Order denying rehearing *en banc*.) The

current deadline for filing a petition for a writ of certiorari is October 10, 2023. This application is timely because it is filed more than 10 days before the petition is due. *See* Sup. Ct. R. 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

2. This case presents a substantial and important question of federal law: Whether the United States’ sovereign immunity can be applied in such a way to render section 201 of the Terrorism Risk Insurance Act (“TRIA”), 28 U.S.C. § 1610 (note), “impossible to follow.” (Exhibit A at 11.) Below, the District of Columbia Circuit held that the United States was immune from judgment execution and enforcement proceedings under section 201 of TRIA even though it also recognized that its holding rendered the statute “impossible to follow . . . in cases involving the Government’s physical seizure of terrorist assets.” (*Id.*) In doing so, the court ignored the fact that TRIA applies even in cases where identified assets have been “seized . . . by the United States.” TRIA § 201(d)(2)(A). The courts invocation of the sovereign immunity canon thus not only conflicts with an unambiguous waiver of the United States’ sovereign immunity, but also renders a large portion of TRIA meaningless.

3. Good cause exists for an extension. Patrick N. Petrocelli is counsel of record for all petitioners. When the District of Columbia Circuit denied *en banc* review, he was engaged as trial counsel for plaintiff in a case pending in the Superior Court of the State of Delaware, *see Hartree Natural Gas Storage, LLC v. PAA Natural Gas Storage, L.P.*, C.A. No. N22C-07-073 PRW CCLD. Between July

10, 2023 and October 10, 2023, he had and has numerous intervening discovery obligations and deadlines in that matter, including for completing document discovery, serving opening expert reports, and conducting fact depositions. Mr. Petrocelli was also engaged as counsel for respondents in a matter pending before the Supreme Court of the State of New York, New York County, *see Rosenblum v. Treitler*, Case No. 654191/2015. He served as lead counsel in a three-day bench hearing in April 2023 and, following the bench hearing, had primary responsibility for drafting initial and reply post-hearing briefs, which were due on July 28, 2023 and September 1, 2023, respectively. These professional and personal commitments have limited counsel's availability to work on this matter between July 10, 2023 and October 10, 2023.

Accordingly, Applicants respectfully request that an order be entered extending the time to file a petition for a writ of certiorari for 30 days, up to and including November 9, 2023.

September 27, 2023

Respectfully submitted,



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*Shirlee Hayman; Jason Kirschenbaum;
Danielle Lynn Teitlebaum; Joshua J.
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