

IN THE
Supreme Court of the United States

BURFORD GERMAN FUNDING LLC; GERMAN LITIGATION
SOLUTIONS LLC; AND BURFORD CAPITAL LLC,
Petitioners,

v.

FINANCIALRIGHT CLAIMS GMBH,
Respondent.

**On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Third Circuit**

SUPPLEMENTAL BRIEF FOR PETITIONERS

DEREK T. HO
Counsel of Record
ELIANA MARGO PFEFFER
CHASE H. ROBINETT
KELLOGG, HANSEN, TODD,
FIGEL & FREDERICK,
P.L.L.C.
1615 M Street, N.W.
Suite 400
Washington, D.C. 20036
(202) 326-7900
(dho@kellogghansen.com)

June 16, 2026

RULE 29.6 STATEMENTS

Petitioners' Statements pursuant to Rule 29.6 were set forth at p. iii of the petition for a writ of certiorari, and there are no amendments to those Statements.

TABLE OF CONTENTS

	Page
RULE 29.6 STATEMENTS	i
TABLE OF AUTHORITIES	iii
ARGUMENT	1
CONCLUSION.....	3

TABLE OF AUTHORITIES

	Page
CASES	
<i>Badgerow v. Walters</i> , 596 U.S. 1 (2022).....	1, 2
<i>Jules v. Andre Balazs Props.</i> , 146 S. Ct. 1209 (2026)	1, 2, 3
<i>Lawrence ex rel. Lawrence v. Chater</i> , 516 U.S. 163 (1996)	1
<i>SmartSky Networks, LLC v. DAG Wireless, Ltd.</i> , 93 F.4th 175 (4th Cir. 2024)	2
<i>Vaden v. Discover Bank</i> , 556 U.S. 49 (2009).....	2
STATUTES	
Federal Arbitration Act, 9 U.S.C. § 1 <i>et seq.</i>	1, 2, 3
9 U.S.C. § 4	2
9 U.S.C. § 9	2
9 U.S.C. § 10	2
28 U.S.C. § 1782.....	2

The Court’s ruling in *Jules v. Andre Balazs Properties*, 146 S. Ct. 1209 (2026), confirms that a divided Third Circuit panel misinterpreted *Badgerow v. Walters*, 596 U.S. 1 (2022). If a federal court has jurisdiction over a case, it has jurisdiction to decide all motions filed in that case—even if those motions implicate the Federal Arbitration Act (“FAA”). Contrary to the decision below, *see* App. 17a (citing *Badgerow*, 596 U.S. at 15), there is no justification to demand an additional, independent basis for jurisdiction.

Because the Third Circuit’s decision rested on a premise now conclusively rejected by the Court in *Jules*, GVR is the proper remedy here. *See Lawrence ex rel. Lawrence v. Chater*, 516 U.S. 163, 167 (1996) (per curiam). There is, at the very least, a reasonable probability that the Third Circuit would rule differently in light of *Jules*’s guidance.

ARGUMENT

Jules confirms that a GVR is appropriate. With the benefit of *Jules*, and the blueprint it provides to a district court asking if it has jurisdiction over an FAA motion, the Third Circuit’s decision would have come out differently.

Jules explained the analysis by which a court should decide if it has jurisdiction to decide a motion under the FAA. If the FAA motion is brought in a case properly pending in federal court, there is an “obvious” place that a court should “look for jurisdiction: the original claims themselves.” 146 S. Ct. at 1218. If the FAA motion is a free-standing petition, however, there are “only two places a court could look to find federal jurisdiction: the face of the FAA motions, on the one hand, or the underlying dispute that ‘was not before’ the court, on the other.” *Id.* (quoting *Badgerow*, 596

U.S. at 9). For free-standing petitions, the path the court takes is dictated by what kind of FAA petition a litigant files. *Compare generally Badgerow*, 596 U.S. 1 (discussing FAA § 9 and § 10 petitions), *with Vaden v. Discover Bank*, 556 U.S. 49 (2009) (discussing the “look through” analysis for FAA § 4 petitions).

The Third Circuit did not follow that analysis. The district court plainly had federal-question jurisdiction over the 28 U.S.C. § 1782 application. (Indeed, the court *granted* that application after denying petitioners’ motions to stay and to compel arbitration for lack of subject-matter-jurisdiction.) *Jules* teaches that this “pre-existing” jurisdictional grant should have covered petitioners’ FAA motions: “[U]nlike with the freestanding applications at issue in *Vaden* and *Badgerow*,” assessing jurisdiction over a motion “in a case originally filed in federal court does not require ‘looking through’ the filed action. Instead, the court may assess its jurisdiction by looking at the suit that is already before it.” *Jules*, 146 S. Ct. at 1218.

Without the benefit of this Court’s guidance, however, a divided Third Circuit panel committed essentially the same error as the Fourth Circuit in *SmartSky Networks, LLC v. DAG Wireless, Ltd.*, 93 F.4th 175 (4th Cir. 2024), which *Jules* abrogated. The majority demanded an *independent jurisdictional basis* for motions to stay and compel arbitration under the FAA. *Jules* confirms that was erroneous. When “an FAA motion arises in a pre-existing lawsuit,” and a party argues that their “dispute is arbitrable and so should not go forward in court,” the court should adjudicate that motion. *Jules*, 146 S. Ct. at 1215. If the movant “is right, the court must stay proceedings pending arbitration under § 3 and, upon request, must compel arbitration under § 4.” *Id.*

As in *Jules*, the question before the Third Circuit was “whether there is anything in the FAA that precludes the normal operation of federal jurisdiction.” *Id.* at 1223. And, as in *Jules*, “[t]here is not.” *Id.*

In short, the Third Circuit did not have the benefit of *Jules* when it rendered the erroneous decision below. If required to reconsider its decision, there is more than a reasonable probability that the Third Circuit would follow *Jules* and correct its erroneous decision, which runs contrary to the FAA’s strong federal policy in favor of arbitration. A GVR is clearly appropriate.

CONCLUSION

The Court should grant the petition for a writ of certiorari, vacate the judgment below, and remand the case for further proceedings in light of this Court’s decision in *Jules*.

Respectfully submitted,

DEREK T. HO

Counsel of Record

ELIANA MARGO PFEFFER

CHASE H. ROBINETT

KELLOGG, HANSEN, TODD,

FIGEL & FREDERICK,

P.L.L.C.

1615 M Street, N.W.

Suite 400

Washington, D.C. 20036

(202) 326-7900

(dho@kellogghansen.com)

June 16, 2026