

App. No.

IN THE
SUPREME COURT OF THE UNITED STATES

Bank of New York Mellon
Respondents

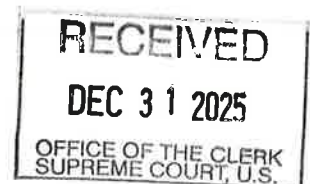
v.

Mark Mazza, Lisa Mazza
Applicants

On Application for an Extension of Time to File Petition for Writ of Certiorari to
the United States Court of Appeals for the Third Circuit

Mark Mazza, Lisa Mazza
Applicants
1271 Farm Road
Berwyn, PA 19312

December 18, 2025



This matter comes from the Third Circuit court of Appeals. This court issued a decision on May 16, 2025. Applicants filed a Petition for Rehearing and Rehearing en banc, which was denied by the court on October 1, 2025.

MOTION FOR EXTENSION OF TIME

1. Pertinent to this request for extension is the appellate court's affirming the district court judgment for summary judgement and judgment in ejectment from the home.

2. Not revealed and in fact concealed by appellee was a second judgment without court approval and in violation of state rules that was utilized to transfer the deed to the property and proceed with filing for ejectment.

3. This second judgment was not produced in the district court and only disclosed by appellee in reply/response to applicants motion for summary disposition filed in appeal case 23-2168.

4. After said disclosure applicants filed a rule 60 motion in the district court based on this newly discovered evidence, including but not limited to contending the ejectment and summary judgment were manifestly unjust and requested the court vacate or reverse the judgments entered on May 24, 2023.

5. Appellee cannot complain about prejudice as the second state court judgment was disclosed by them in 2024, long after the district court judgments but within 1 year permitting filing the rule 60 b motion.

6. Appellee failed to disclose the second judgment at the district court level, nor revealing same in their appellee brief.

7. The second judgment was a willful act of concealment and deception as applicants were without knowledge of the second judgment preventing due process and opportunity to contest it in response to summary judgment and in their appellant brief.

8. Appellants were greatly prejudiced by this non disclosure, resulting in lack of due process.

9. The appellate opinion addresses excusable neglect , without considering all factors and equitable analysis to determine excusable neglect and good cause regarding whether an extension to file an appeal was reasonable under the circumstances.

10. Appellee claimed prejudice opposing applicant's motion seeking an extension to file a notice of appeal, while appellee engaged in acts of withholding, deception and concealment of the second judgment at the district and appellate courts.

11. Applicants were greatly prejudiced and left without due process rights resulting in deprivation and loss of property rights due to the ejectment judgment and impairing opposition to appellees motion for summary judgment.

12. All factors and equities were not considering when applicants were denied an extension to file notice of appeal, especially impacting others similarly situated on a national level including applicants loss of property rights.

13. There was no prejudice to appellee, petitioners alleging it was error to find same and this most crucial factor was a finding resulting in an abuse of discretion misapplying the four factor test noted in Pioneer Inv. Serv. Co v Brunswick Assoc. Ltd. P'Ship 507 U.S. 380(1993)

14. The appellate court failed to address this factor of claimed prejudice , based on information disclosed by appellee, as well as failing to address the factors of delay and reason for the delay.

15. The appellate court affirmed judgment stating there was no clear error by the district court, failing to analyze all factors and stating a heightened standard there was no clear error.

16. Petitioners have been pro se litigants for over 25 years, solely utilizing services of many paralegals for preparation, guidance and advises on rule interpretation of rules at the district and appellate court levels as well as state courts.

17. The factors set forth in Pioneer were not met and thereafter were not only lacking in full analysis but also there was abuse of discretion in misapplying and utilizing same with reference to Ragguette v Premier Wines and Spirits 691 F. 3d 315 (3d Cir. 2012)

18. Petitioners received district court orders by regular mail, which in part caused further confusion as to when the appeal period began and complexities existed prior to the filing deadline and issues became more complex in addressing excusable neglect and good cause for filings seeking an extension to file notice of appeal.

19. The appellate court applied a clear error standard when it denied the motion for reconsideration, relating it to a rule 59 motion when at all relevant times petitioners motion was under rule 60.

20. All facts and circumstances were not fairly evaluated and considered, and petitioners proceeded in good faith litigating at the district and appellate court levels.

21. Relying upon advise from a paralegal that the 3 additional day rule due to mailing of orders applied to filing of the notice of appeal and this vital representation was not in control of the petitioners. Petitioners were on a preplanned vacation at the time with no other resources to rely upon.

22. The circuit courts , in applying the factors in Pioneer to determine excusable neglect , have been varied with some finding in favor of excusable neglect permitting a late filed appeal.

23. Petitioners aver the factors should have resulted in allowing their late appeal filing, including but not limited to petitioners were on a pre planned vacation during the holiday of July 4th with no access to files and sole reliance on an out of state paralegal.

24. The reasons for the delay in filing the notice of appeal were just and there was no potential prejudice to the appellee, including the reason for the delay was as a result of the appellee disclosure of additional and new information.

25. While there may not be a conflict within the circuit courts, the factors in Pioneer have been inconsistently applied by said courts requiring further clarification from this Court.

26. In the context of an ejectment case, where loss of property rights for petitioners and potentially millions of Americans, national importance is present warranting this extension request in the interests of those to prevent deprivation of property rights.

27. There are cases where an extension to file notices of appeal were granted, including where a business trip was involved or the Pioneer factors were not equitably analyzed in the 7th 9th and 11th circuits.

28. An 11th circuit case , Advanced Estimating Systems v Timothy Riney (1996), found the Pioneer factors were not equitably analyzed and the court failed to apply the more flexible standard for excusable neglect. This circuit confirmed excusable neglect should include inadvertence, mistake or carelessness in alignment with the Pioneer directive. There are other cases wherein abuse of discretion was found where an attorney failed to file a motion due to being on a prescheduled trip and out of town over a holiday

29. The 5th and 6th circuits appear to have a more narrow view of what is excusable neglect, but petitioners aver their late appeal filing satisfied the Pioneer factors especially in that there was no prejudice to appellee.

30. The district court judge failed to comply with rule 58 requiring the judgments and orders be separate from opinions . Judge Sanchez , issued several of the same after Judge Robrino left the bench, and petitioners aver in the alternative an additional 150 days to file notice of appeal applies resulting in a timely appeal. The appellate court did not address this issue.

31. Since October 1, 2025 petitioners by phone contact and the internet have been trying to retain assistance for filing a petition at the Supreme Court. Most did not respond and some advised other assignments prevented their intervention and suggested that a motion to extend be filed.

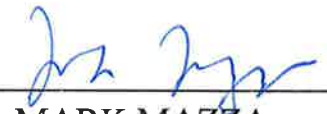
32. Additional time is needed to obtain assistance due to the complex nature of the issues as well as this Court's filing requirements research needs and analysis of complex legal issues that support filing a petition before this Court. Petitioners in good faith made substantial efforts to meet the 90 day deadline but were unable to retain assistance of which they had no control. Petitioners are unable to complete the necessary research , meet strict rule requirements for filing and complete the petition without the above assistance.

33. The request for extension is without intent to delay proceedings. An extension will not significantly prejudice appellee. Applicants require the skill and experience of individuals who have Supreme Court experience in petition filings. Applicants reference the applicability of Supreme Court Rules, including but not limited to Rule 13 and 30.

Applicants assert good cause exists to support the extension of 60 days to

file a petition for Writ of Certiorari. The Third Circuit case was docketed at 24-2794.


LISA MAZZA


MARK MAZZA