

October 3, 2025

Clerk of the Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

Re: Response to Petition for Certiorari, *Cromwell v. Tacon*, No. 25-344

Dear Clerk of the Court:

I am counsel to Respondent in the above-referenced matter. I write in response to the Petition of Certiorari filed by Petitioners on September 19, 2025.

This case plainly does not warrant review by the Supreme Court. As noted by the Second Circuit (*see* Pet. App. 5a), it involves factual issues regarding the good faith of Petitioners' negotiations to resolve their underlying debt, which were left open to repleading by the District Court prior to its dismissal of the matter without prejudice. Because, at a minimum, this case does not present a suitable vehicle for resolving the alleged circuit conflict identified by Petitioners, Respondent does not intend to file a substantive response to the Petition unless requested to do so by the Court.

Very truly yours,

/s/ *Alice W. Yao*

Alice W. Yao
Partner

cc: Cassandra Porsch, Potomac Law Group, PLLC
Geoffrey Raicht, Geoffrey T. Raicht, PC

W A I V E R

SUPREME COURT OF THE UNITED STATES

No. 25-344

Cromwell

(Petitioner)

Tacon

V.

(Respondent)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check the appropriate box:

- ☒ I am filing this waiver on behalf of all respondents.
- ☐ I only represent some respondents. I am filing this waiver on behalf of the following respondent(s):

Please check the appropriate box:

- ☒ I am a member of the Bar of the Supreme Court of the United States. (Filing Instructions: File a signed Waiver in the Supreme Court Electronic Filing System. The system will prompt you to enter your appearance first.)
- ☐ I am not presently a member of the Bar of this Court. Should a response be requested, the response will be filed by a Bar member. (Filing Instructions: Mail the original signed form to: Supreme Court, Attn: Clerk's Office, 1 First Street, NE, Washington, D.C. 20543).

Signature: Alice W. Yao

Digitally signed by Alice W. Yao
Date: 2025.10.03 15:38:27 -04'00'

Date: 10/3/25

(Type or print) Name Alice W. Yao

☐ Mr. ☒ Ms. ☐ Mrs. ☐ Miss

Firm Potomac Law Group

Address 1717 Pennsylvania Avenue, NW, Suite 1025

City & State Washington, DC

Zip 20006

Phone 202-258-9088

Email ayao@potomacclaw.com

A copy of this form must be sent to petitioner's counsel or to petitioner if *pro se*. Please indicate below the name(s) of the recipient(s) of a copy of this form. No additional certificate of service or cover letter is required.

cc: Vincent Gregory Levy, vlevy@hsgllp.com
Kevin D. Benish, kbenish@hsgllp.com