

# W A I V E R

## SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED

DEC 23 2025

OFFICE OF THE CLERK

No. 25-6295

Caleb McGillvary

(Petitioner)

Nicholas Scutari, et al.

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):

Lum, Drasco & Positan LLC (improperly pleaded as Lum Drasco Positan); Wayne Positan; and Steven Eisenstein (improperly pleaded as Stephen Eisenstein)

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:



Date:

12/23/25

(Type or print) Name

Scott E. Reiser, Esq.

☒ Mr. ☐ Ms. ☐ Mrs. ☐ Miss

Firm

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Email

sreiser@lumlaw.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:

Mr. Caleb L. McGillvary  
Inmate #1222665/SBI#1023179  
P.O. Box 861  
Trenton, New Jersey 08625

All other parties of record (via electronic mail)

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SUPREME COURT, U.S.

# LUM, DRASCO & POSITAN LLC

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December 23, 2025

***Via FedEx***

Clerk's Office  
Supreme Court of the United States  
1 First Street N.E.  
Washington, D.C. 20543

***Re: Caleb McGillvary v. Nicholas Scutari, et al.  
No. 25-6295***

***On Petition for Writ of Certiorari to the Third Circuit Court of Appeals  
Case No. 24-2843***

Dear Sir/Madam:

This Firm represents Respondents, Lum, Drasco & Positan LLC (improperly pleaded as Lum Drasco Positan), Wayne Positan, and Steven Eisenstein (improperly pleaded as Stephen Eisenstein), in connection with the above-referenced matter. In that regard, enclosed please find the original and one copy of a Waiver of a response to the Petition for a Writ of Certiorari filed by Petitioner, Caleb L. McGillvary, *pro se*. Should the Waiver be acceptable, please mark it "filed" and return a conformed copy to me at the Court's earliest convenience in the enclosed, postage-paid envelope.

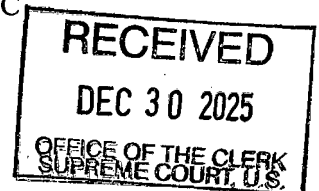
Thank you for your attention to this matter.

Respectfully submitted,

LUM, DRASCO & POSITAN LLC

SCOTT E. REISER  
A Member of the Firm

cc: Mr. Caleb L. McGillvary, *pro se* (via regular mail)  
All other parties (via electronic mail)



**LDP  
&**