

No. 25A_____

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE: APPLICATION OF FINANCIALRIGHT CLAIMS GMBH

BURFORD GERMAN FUNDING LLC; GERMAN LITIGATION SOLUTIONS LLC;
AND BURFORD CAPITAL LLC,
Applicants.

**APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH
TO FILE PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

DEREK T. HO
Counsel of Record
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)

Counsel of Record for Applicants

March 23, 2026

PARTIES TO THE PROCEEDINGS

Applicants Burford German Funding LLC (“BGF”), German Litigation Solutions LLC, and Burford Capital LLC were respondents in the district court proceedings and appellants in the court of appeals proceedings. German Litigation Solutions LLC and Burford Capital LLC are BGF’s member-managers.

Respondent financialright claims GmbH was applicant in the district court proceedings and appellee in the court of appeals proceedings.

RULE 29.6 STATEMENTS

Pursuant to this Court's Rule 29.6, applicants Burford German Funding LLC, German Litigation Solutions LLC, and Burford Capital LLC state the following:

Burford German Funding LLC is jointly owned by Burford Capital LLC, German Litigation Solutions LLC, and Pill Beteiligungen UG (haftungsbeschränkt).

Burford Capital LLC is owned by Burford Capital Holdings (UK) Limited, which is owned by Ollivets Investments Limited and Burford Capital Limited, a publicly traded company (stock ticker symbol is BUR). Ollivets Investments Limited is owned by Burford Capital Limited, a publicly traded company. No publicly held company owns 10% or more of Burford Capital Limited's or Burford Capital LLC's stock.

German Litigation Solutions LLC is owned by Hausfeld LLP and Hausfeld & Co. LLP. No publicly held company owns 10% or more of German Litigation Solutions LLC's, Hausfeld LLP's, or Hausfeld & Co. LLP's stock.

RELATED CASES

Decisions Under Review

In re Application of financialright claims GmbH, 2024 WL 4818177 (D. Del. Nov. 18, 2024) (No. 1:23-cv-01481-CFC) (granting application and denying motion to compel arbitration)

In re Application of financialright claims GmbH, 2025 WL 2977513 (3d Cir. Oct. 22, 2025) (No. 24-3171) (affirming district court and dismissing motion to compel arbitration)

In re Application of financialright claims GmbH, No. 24-3171 (3d Cir. Jan. 2, 2026) (denying petition for panel rehearing and rehearing en banc)

**APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH
TO FILE PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

To the Honorable Samuel A. Alito, Jr., Associate Justice of the United States Supreme Court and Circuit Justice for the Third Circuit:

Pursuant to 28 U.S.C. § 2101(c) and Rules 13.5, 22, and 30.3 of the Rules of this Court, applicants Burford German Funding LLC, German Litigation Solutions LLC, and Burford Capital LLC respectfully request a 45-day extension of time, up to and including May 17, 2026, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Third Circuit.

The court of appeals entered its judgment on October 22, 2025 and denied a petition for rehearing and rehearing en banc on January 2, 2026. The court of appeals' opinion is not reported but is available at 2025 WL 2977513 and is attached hereto as Exhibit A. The court of appeals' order denying rehearing and rehearing en banc is attached hereto as Exhibit B. The memorandum opinion of the district court is not reported but is available at 2024 WL 4818177 and is attached hereto as Exhibit C. The petition would be due on April 2, 2026, and this application is made at least 10 days before that date. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1).

1. This case presents the exceptionally important question whether a federal court with jurisdiction over a case must have an additional, independent basis of jurisdiction to stay the case under Section 3 of the Federal Arbitration Act ("FAA") or compel the case to arbitration under Section 4 of the FAA.

a. Respondent financialright claims GmbH filed an application for discovery from BGF and its member-managers under 28 U.S.C. § 1782. Because the Section 1782 application was subject to an arbitration agreement, applicants moved to stay the district court’s proceedings (under FAA Section 3) and to compel arbitration (under FAA Section 4). The district court’s unquestioned jurisdiction over the Section 1782 application should have permitted the court to decide the later-filed FAA motions. But according to the district court, it did not. Without asking for briefing, and without discussing the issue at oral argument, the court *sua sponte* dismissed applicants’ motions for lack of subject-matter jurisdiction.

In a divided opinion, the Third Circuit took an extreme position: it decided that a litigant must advance an independent basis of jurisdiction for a court to decide either motion, directly contravening this Court’s precedent that “[j]urisdiction to decide the case includes jurisdiction to decide the motion.” *Badgerow v. Walters*, 596 U.S. 1, 15 (2022). This decision is the latest to join a collection of discordant appellate court decisions about the jurisdictional requirements for various motions under the FAA.

b. The Court has already granted certiorari to resolve a closely related issue that has divided the circuits: whether a federal court that undoubtedly has jurisdiction over a case and stays that case under Section 3 retains jurisdiction to decide any post-arbitration enforcement motions under Sections 9 and 10. *See Jules v. Andre Balazs Props.*, No. 25-83 (argument scheduled for Mar. 30, 2026). It is

more than reasonably probable that, in resolving *Jules*, the Court will provide guidance that would, if reconsidered, alter the Third Circuit's decision.

2. The 45-day extension to file a certiorari petition is necessary because undersigned counsel needs the additional time to prepare the petition and appendix in light of other, previously engaged matters, including: (1) responses to multiple motions in the Eastern District of Kentucky in *Kentucky Gambling Recovery LLC v. Underdog Sports Holdings, Inc., et al.*, No. 3:25-cv-00066 (due Apr. 1, 2026); (2) an opening brief in the Illinois First District Appellate Court in *Illinois Gambling Recovery, LLC v. Dabble Sports, LLC., et al.*, No. 2025L006999 (due Apr. 9, 2026); (3) responses to multiple motions in the Middle District of Georgia in *Georgia Gambling Recovery LLC v. Kalshi Inc., et al.*, No. 4:25-cv-00310 (due Apr. 14, 2026); (4) a hearing in the Court of Common Pleas (Mahoning County, Ohio) in *Ohio Gambling Recovery, LLC v. VGW Holdings, Ltd.*, No. 2025 CV 1412 (scheduled for Apr. 20, 2026); (5) a response brief in the Ninth Circuit in *Innovative Health, LLC v. Biosense Webster, Inc.*, No. 25-6042 (due Apr. 20, 2026); and (6) eight depositions in a private, confidential arbitration scheduled over the next four weeks. Counsel also has a long-scheduled vacation the week of March 21-28, 2026.

For all these reasons, there is good cause for a 45-day extension of time, up to and including May 17, 2026, within which to file a certiorari petition in this case to review the judgment of the United States Court of Appeals for the Third Circuit.

Respectfully submitted,



DEREK T. HO
Counsel of Record
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)

Counsel of Record for Applicants

March 23, 2026