No.

IN THE

SUPREME COURT OF THE UNITED STATES

October Term 2026

Joseph Basso, *Petitioner*

vs.

Jose Rodriguez and Javier Szuchman, *Respondents.*

Application for Extension of Time to File Petition for Writ of Certiorari to the Maryland Supreme Court

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To the Honorable John G. Roberts, Chief Justice of the Supreme Court of the United States and Circuit Justice for the Fourth Circuit including State of Maryland:

Petitioner Joseph Basso prays for a 60-day extension of time to file his petition for certiorari to this Court from May 21, 2026, to and including July 20, 2026. Originally,[1] in an unreported opinion in the Appellate Court of Maryland (ACM), four (4) Questions Presented were sought review by Petitioner from a consolidated Appeal of trial cases in the Circuit Court for Prince George's County, Maryland in CAL 14-30313; three (3) related to the

[1] An earlier Reported opinion reversed and remanded Retired Judge Thomas Smith's grant of a Motion for Judgment, in *Basso v. Campos,* 233 Md. App. 461 (2017).

statutory Attorney's Fees award of $0.00 issued by "Senior" Retired Judge Dwight Jackson after a fully successful jury trial resulted in about $400,000 in lodestar time at Plaintiff's hourly rate, plus $30,000 in expenses, against Defendant/Respondent's Fraud[2], and (2) the issue of Maryland Rule 1-341 Attorneys Fees for Respondents "bad faith or without substantial justification" actions in the case, but awarding also $0.00, despite the early retired judge in 2019, finding the Respondents' violation.[3] [4]

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[2] In a one-page Order copied near *verbatim* from an *ex parte* filing of Respondents, and then discovery during appeal, issued nearly 4 years after appointment, Retired Judge Jackson had apparently already begun practicing law as an attorney for Prince George's County and thus these Orders were void or voidable.

[3] Because in Maryland, there's case law in *Seney v. Seney,* 97 Md. App. 544 (1993), that apparently Plaintiffs and their counsels cannot seek relief against Defendants for any and all misconduct in litigation, but it's only one-way, as Defendants including Defendants represented by insurance companies who similarly don't directly "incur" attorney's fees, in *Worsham v. Greenfield*, 435 Md. 349 (2013), can nevertheless seek attorney's fees.

[4] "Petition for writ of certiorari granted. Transferred to the regular docket as No. 45, September Term, 2025.

Issue — Maryland Rules — Under Maryland Rule 1-341, where a court finds that the conduct of a party in maintaining or defending any proceeding was in bad faith or without substantial justification, may the court require the offending party and/or attorney to pay reasonable attorney's fees to the adverse party, where the adverse party is represented by counsel under the terms of a contingency fee agreement?"

Basso v. Rodriguez, 492 Md. 644, 645 (2025)

As further discussed *infra,* along with the procedural attachments related to an Application for Extension with this Court, this case directly involves at least two important Federal Questions Presented, both Questions of First Impression for this Court, and invoking important due process and federalism issues.[5]

The 1st Question Presented is:

> Whether this Court's opinion, in *Caperton v. A.T. Massey Coal, Co.,* 556 U.S. 868 (2009), applies or should be expanded, to require proper review under these "extreme facts," when credible evidence discovered after the appeal was noted, demonstrates the "Senior" Retired Trial Judge who signed the final judgment, was then engaged in the "Practice of Law" having already been hired as a County Attorney, a universal ethics prohibition Federally and in every State, and in Maryland, also prohibited under Statute and Maryland's Constitution.

The 2nd Question Presented is:

> Whether the Maryland Supreme Court, after granting Certiorari in one of four Questions Presented, erred its unequal, variable, and chaotic application of the timetable for both its "Final Judgment" and Mandate Rule, in a non-time sensitive matter, thus adversely affecting the orderly timetable for Certiorari filings in this Court by instead (1) entering a Mandate the same day as fully denying a procedural Motion to Dismiss appeal 27 days (and not the standard 30 days) after the original decision was issued on the granted Certiorari Question Presented, and (2) not allowing in a predictable manner, a Motion for

[5] These are draft Questions Presented, and subject to further wording revisions upon a Petition for Writ of Certiorari being filed with this Court.

Reconsideration to be sought on the other three Questions Presented that had not been originally granted Certiorari.

Additionally, this case may also be a strong case for Summary Reversal, since there is at least one case presently pending after already been granted Certiorari in the Maryland Supreme Court, which may when the Reported decision is issued, dovetail directly to a GVR (Grant, Vacate, Reverse) by this Court. In *Sugarloaf Alliance Inc. v. Frederick Cty.*, 265 Md. App. 199 (2025), *Cert. granted, Sugarloaf All., Inc. v. Frederick Cty.*, 492 Md. 410 (2025)[6] with oral arguments on March 11, 2026, and the Maryland

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[6] The Appellate Court of Maryland, in the unreported *Basso* case below, never appropriately commented on one of many near identical precedents that applied, including: (1) adopting this Court's Opinions in *Hensley,* (2) on use of the *Johnson factors,* (3) on the Requirements of a Memorandum in Statutory Attorneys Fees cases under Maryland Rule 2-703(g)("The Court shall state on the record, or in a memorandum filed I the record, the basis for its grant or denial of a reward"), and (4) that Maryland had "embraced" since *Friolo v. Frankel*, 373 Md. 501, 522 (2003) the Federal Court's lodestar approach ["More important to us than the *fact* that the Federal courts have embraced the lodestar approach is *why* they have done so and how they have implemented that approach. *Hensley* explains both."], but in reality, the Maryland appellate courts have failed to demand consistent application by the state trial Courts, including the requirements of a Memorandum and application of the *Johnson* factors.

"Md. Rule 2-703(f)(2)-(3) (emphasis added).

These twelve factors are derived almost verbatim from those set forth by the United States Court of Appeals for the Fifth Circuit in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714, 718 (5th Cir. 1974), and adopted subsequently by the Supreme Court of the United States in *Hensley*, 461 U.S. at 430 n.3. Of the twelve factors, the *Hensley* Court characterized "the results

Supreme Court issuing opinions last year by no later than July 31 of the Term year, when the *Sugarloaf* decision is issued in the next few months, *Sugarloaf* might be an alternative way to examine if this Court should grant

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obtained" as "crucial . . . in determining the proper amount of an award of attorney's fees[,]" *id.* at 440, particularly where "a plaintiff is deemed 'prevailing' even though he [or she] succeeded on only some of his [or her] claims for relief." *Id.* at 434. *See also Ochse v. Henry*, 216 Md. App. 439, 461, 88 A.3d 773 ("In the statutory fee-shifting reasonableness inquiry, . . . [t]he court must consider the award in the context of the results the plaintiff obtained."), *cert. denied*, 439 Md. 331, 96 A.3d 146 (2014).

In *Hensley*, the U.S. Supreme Court explained that, when adjusting the lodestar for a partially prevailing plaintiff, a trial court must first address whether the claims on which the plaintiff did not prevail "were unrelated to [those] on which he [or she] succeeded[.]" *Hensley*, 461 U.S. at 434. If so, those unrelated claims should "be treated as if they had been raised in separate lawsuits, and therefore no fee may be awarded for services on the unsuccessful claim." *Id.* at 435. By contrast, where, as here, "claims for relief . . . involve a common core of facts or [are] based on related legal theories[,] . . . the [trial] court *should focus on the significance of the overall relief obtained* by the plaintiff in relation to the hours reasonably expended on the litigation." *Id.* (emphasis added). The Court stressed that, when adjusting the lodestar in such cases, "the most critical factor is the degree of success obtained." *Id.* at 436.

Where a plaintiff has obtained excellent results, his attorney should recover a fully compensatory fee. Normally this will encompass all hours reasonably expended on the litigation, and indeed in some cases of exceptional success an enhanced award may be justified. In these circumstances the fee award should not be reduced simply because the plaintiff failed to prevail on every contention raised in the lawsuit. Litigants in good faith may raise alternative legal grounds for a desired outcome, and the court's rejection of or failure to reach certain grounds is not a sufficient reason for reducing a fee. The result is what matters." [Emphasis as Shown]

Sugarloaf All., Inc. v. Frederick Cty., 265 Md. App. 199, 237-39 (2025).

Certiorari, including through a GVR. That case, in and of itself, justifies the sixty (60) days extension requested with this Court.

Petitioner Basso was a successful Plaintiff at the Circuit Court (trial) level in a jury trial case against Respondent/Defendants, real estate agents and sellers, who were found by a civil jury, to a clear and convincing standard, to have committed fraud against Petitioner as a consumer homeowner, awarded compensatory and punitive damages of $140,000. The jury also found Respondents were in violation of Maryland's Consumer Protection Act, which in face of fraud and misrepresentation findings, justify "reasonable attorneys fees" in circumstances involving consumer victims, especially when done in false advertising like those of Respondents. This jury verdict was after 5 years of litigation and one previous appellate reversal discussed in the Reported Opinion of *Basso v. Campos,* 233 Md. App. 461 (2017) in Maryland, involving Retired Circuit Court judge Thomas Smith.

An additional legal issue arose, consolidated on appeal, because in Maryland there is case law under Maryland Rule 1-341 (the state equivalent of Federal Rule of Civil Procedure 11), Plaintiffs and their counsels (Petitioner's Counsel here), cannot obtain any monetary remedy for being a victim of "bad faith or without substantial justification" actions by Defendants' counsels. Despite a finding Respondents violated Maryland

Rule 1-341 in 2019, (for improper and frivolous action filed in 2016), the Retired "Senior" Judge Thomas Smith, agreed with Respondent's contention, Maryland appellate case law, specifically the case *Seney v. Seney,* 97 Md. App. 544 (1993), only allows Defendants, and not Plaintiffs in contingency fee agreements to receive any attorney fee or cost compensation. This was so, even when Defendants who are represented by third party insurance companies, to seek and obtain monetary relief and sanctions against misconduct, which was contrary precedent by Maryland's appellate courts. *See, Worsham v. Greenfield*, 435 Md. 349 (2013). In this case, Respondents Rodriguez and Szuchman kept meritless motions pending for years, which the retired trial judge rather than deny Respondents' bald and routine use of 1-341 motions that lacked any bases, simply allowed them to be kept pending, only finding a Rule violation after the prior *Basso* appeal, and after the jury's verdict, for Respondents not authorizing a "withdrawal" of said motion to Respondent's Counsel's firm.

Thus, in Maryland, Plaintiffs and their counsels, for over 30 years, involved in any sort of contingency fee arrangement, are simply out of luck in not having a remedy. The terrible and unequal public policy, this impugns and produces, remains ignored. Defendants can and will seek collateral litigation on sanctions to dissuade the most meritorious fraud cases from ever

being pursued. Meanwhile Maryland Plaintiffs, many without resources to afford hourly counsels and thus just like this Court's cases on Statutory Attorneys Fees, such as *Hensley,* are again, simply out of luck. All Circuit Courts in Maryland, remain similarly unable in the few actual cases where this is proved, to monetarily sanction as deterrence, Defendants and their counsel for "bad faith or without substantial justification" misbehavior under Maryland Rule 1-341. This became the legal issue in Appeal No. 2100, September Term 2019, with a timely appeal by Petitioner on the 1-341 sanctions issue, since Judge Smith found a Rule Violation after refusing to adjudicate the motion for years, but eventually put in writing, he wasn't allowed to award any attorney's fees or costs, due to language in Maryland's appellate case law. [7]

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[7] While the issue of 1-341 Attorneys Fees, is very important in Maryland from a macro perspective, the actual amount involved potentially in attorney fees being argued in *Basso* was comparably minor at about $16,000 for the Respondents/Defendants violation. These 1-341 Rule findings were unchallenged on appeal, and the Certiorari Issue granted Certiorari by the Maryland Supreme Court. *See, Basso v. v. Rodriguez*, 492 Md. 644, 645 (2025), *cert. granted.* It helped in getting Certiorari granted, the Maryland Association of Justice, which consists of Plaintiffs attorneys, supported Certiorari on this well-preserved issue.

The main Attorneys Fees litigation, for the Statutory violations, in compliance with the jury's unequivocal findings of fraud, and the need for "reasonable attorneys fees" by 2023 was about $400,000 Lodestar time spent over the course of seven (7) years in the case plus about $30,000 costs. The Attorney Fee Petition with about 40 pages of affidavits discussing the

Johnson Factors under Maryland cases fully adopting the Federal Lodestar approach, in *Friolo v. Frankel*, 373 Md. 501 (2003) was filed in January 2, 2020. Yet, that arguably separate Attorneys' Fees motion/petition, wasn't decided against Petitioner in the award of $0.00, until nearly *four years later,* by the Circuit Court of Retired "Senior" Judge Dwight Jackson, appointed in July 2020, after Retired "Senior" Judge Smith was no longer apparently hearing any cases in 2020.

Though this might seem confusing on first glance, it is important to remember these multiple and numerous "final judgments" on the case, after the jury verdicts against Respondents for fraud in June 2019, were at the request of Respondents' Counsel's firm over Petitioner's objections. Respondents' counsels were also: (1) permitted by the Circuit Court to file multiple successive post-judgment "Judgment Motions" in conjunction with ordering the Court Clerk to not even ministerially enter the jury's verdict on the docket (which didn't happen for 44 days), (2) failed to openly disclose the Associate working the initial hearings in the case had just finished a clerkship with the same judge hearing the motion on what was apparently her first entered case ever, and (3) instead of e-filing all matters, weeks after the hearing on Statutory Attorneys Fees under Maryland Rule 2-703 in July 2023, Respondent Counsel's law firm had submitted *ex parte* documents related to a "Proposed Order" to Retired Judge Jackson at his chambers across the street, while mailing a copy to Petitioner's 3 year old address. *See,* Attachment "A."

Former "Senior" Judge Jackson ended up signing almost *verbatim,* the one-page summary Proposed Order of Respondents on Attorneys' Fees seeking over $400,000, and instead awarding $0.00 of Lodestar Costs and Expenses. *Id.* They never actually challenged really any of the Lodestar/*Johnson* factors, which weren't respectfully challengeable, as Petitioner/Plaintiff won on everything as the prevailing party, and these factors were entirely favorable to Petitioner before a qualified jury of Prince George's County citizens. This was done a month after former Judge Jackson had already accepted employment as an attorney for Prince George's County, after having been the assigned judge for nearly four years, just on the Attorneys' Fees' Petition. *See,* Attachment "B." (Attachment from Maryland Public Information Records received in 2025, and forwarded to Maryland Supreme Court for consideration on Question Presented III)

The main outstanding issue from the 2019 jury verdict, was on the amount of Attorneys Fees and Costs, to be awarded for the "reasonable attorneys fees" for the Respondent's fraud in the residential real property sale, including their advertising, and concealment of the major flooding that had occurred and was incurring, which when they "flipped" the home, sought to have the residential homeowner Basso to be the victim of the flooding basement they not only knew about, but actively concealed, including pouring an enormous amount of concrete to conceal. Later, when confronted with the possibility of litigation, Respondents destroyed (as was admitted on the stand) all paperwork in their possession about the real estate transaction, including pictures, invoices, and the employment records of who they hired to "rehab" the property, in obtaining the sizeable profit from the sale, after the house had been purchased from the bank.

In addition to the first appeal to allow the case to get to a jury after then-Retired Judge Thomas Smith's appointment in *Basso v. Campos,* 233 Md. App. 461 (2017), and nine months' delay in post-trial motions, then came another at least three and one-half years delay in any hearing on the merits of the Statutory Attorneys Fees Motion by the second appointed "Senior" Retired Judge Dwight Jackson. (This was despite unopposed Requests beginning in February 2021, to have the hearing after the COVID-related

Pandemic Shutdowns). Despite the timely Appeal on the 1-341 Motion being denied as to the legal issue of *Seney,* in December 2019, the appeal case was held up because the Record required an adjudication on the Statutory Attorney's fees, which didn't happen for over 3 years by Retired "Senior" Judge Jackson. When the Hearing took place, there was no discussion by Judge Jackson at that time in July 2023 as to how he would rule. It wasn't until 5 months later, that the One-page Summary Order, *ex parte* submitted as a "Proposed Order" by Respondent's was signed for by then Retired Judge Jackson, on December 14, 2023. *See* Attachment "A." At no time, at the hearing, or thereafter, did former Judge Jackson, disclose his plans and employment as a full time practicing attorney, for Prince George's County, Maryland. *See,* Attachment "B." This possibility, was instead discovered serendipitously, by Petitioner's Counsel, whose office is also in Prince George's County, Maryland, and the "practice of law" by judges, is supposed to be *verboten,* in Maryland, under ethical Rules, Statute, and Maryland's Constitution. *See,* Md. Rule 18-203.10 "Practice of Law" ("[a] judicial appointee shall not practice law"); Cts. Jud. Proc., § 1-302(c)(4) ("A former judge may not be recalled for temporary assignment if the judge: […] [i]s engaged in the practice of law.") Md. Decl. of Rights, Art. 33 ("No Judge shall hold any other office, civil or military, or political trust, or employment of

any kind, whatsoever, under the Constitution or Laws of this State, or of the United States, or any of them; except that a Judge may be a member of a reserve component of the armed forces of the United States or a member of the militia of the United States or this State; or receive fees, or perquisites of any kind, for the discharge of his official duties.")

The main exception, which will be addressed more thoroughly in a Certiorari Petition with this Court, is Maryland's very relaxed standards for "Private Mediations" by Retired "Senior" Judges, something not permitted by many states, but in Maryland as exemplified by this case (including that the Maryland State Judiciary was not even notified for over 9 months, that former Judge Jackson was employed by Prince George's County, practicing law as an attorney), without proper safeguards, States like Maryland must take appropriate administrative oversight to ensure appropriate ethical and legal compliance against judges "practicing law." Petitioner would argue, these circumstances, are worse than the ethical and legal concerns which resulted in this Court's Certiorari grant and decision in *Caperton v. A.T. Massey Coal, Co.,* 556 U.S. 868 (2009). [8] *See also, Liljeberg. v. Health Servs.*

[8] *See,* Md. Rule 18–103.9(b) (providing an exception for senior judges who "conduct alternative dispute resolution (ADR) proceedings in a "private capacity."); *Howes v. Howes,* 2024 Md. App. LEXIS 564, at *51 (2024) (J. McDonald) (Unreported)(Finding "Irregularity" to justify reversal and remand, for Circuit Court's conflation of Retired Judges acting as mediators

Acquisition Corp., 486 U.S. 847 (1998)(Federal Disqualification Statute 28 U.S.C. § 455 (a), allows for vacatur of decision by Federal Judge with undisclosed financial interests in litigation discovered *after* the judgment, and applies "whenever such action is appropriate to accomplish justice.") *Liljeberg,* at 850, 868-869.

Nevertheless, in a Three-Judge Panel decision dated July 23, 2025 by Appellate Court of Maryland (ACM) authored by Retired "Senior" Judge Michele Hotten, Judge Leahy, and Chief Judge Wells, the ACM affirmed Retired Judges Smith and Jackson. *See,* Attachment "C." No Reconsideration motion was filed in the ACM, and after the Mandate was issued in that Court, a timely Petition for Reconsideration was filed on four (4) issues discussed *supra,* and granted (but not denied specifically) for Question Presented Four on the Attorneys Fees issue under Maryland Rule 1-341, and March 2026 oral arguments. *See,* Attachment "D." About 2 ½

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versus impermissible "practice of law" as mediator)("The merits of the case, however, are a separate question from whether there was an irregularity in the disposition of this case by a default judgment. The record establishes that the cumulative effect of the communications and other circumstances relating to the sequencing of the parallel civil and criminal proceedings that resulted in the default judgment amounted to an irregularity for purposes of Rules 2-535(b)."); *Curbing the Bench to Practice Pipeline," Marcian, Anthony, 27* N.Y.U. J. Legis. & Pub. Pol'y 425, 456, 475 (2025) (noting other states have different rules and "Texas, for example, to be eligible for [Retired] assignment, a former judge must certify they will not 'appear and plead as an attorney' in any state court for two years.")

weeks after the Record was transmitted, a generally unremarkable Stipulation was filed and approved by the Maryland Supreme Court in a Notice filed by the Clerk dated December 31, 2025. *See* Attachment "E." On January 23, 2026, almost two weeks after the Petitioner's Brief was filed, and the Amicus Brief was timely filed including under the previous Court Notice granting the Stipulation, a "Majority concurring" of the Maryland Supreme Court, citing no previous precedents, declared such Stipulations were not permissible, made no mention of their previous Order granting said Stipulation, and *inter alia* in granting a "Motion to Dismiss Appeal" the legal issue contained in thee Order, was not ever an issue that was even argued by the Respondents in the case, and thus a *sua sponte* Order by the Maryland Supreme Court. *See,* Attachment "F."

Under the Maryland Rule for "Motion" Dismissals Under Maryland Rule 8-602, a timely (within twenty (20) days), Motion for Reconsideration was filed with the Maryland Supreme Court on February 12, 2026. *See,* Attachment "G." This was then denied by a "majority of the Court concurring" on February 20, 2026 (27 days after the original Order), and at the same time, the Clerk for the Maryland Supreme Court, issued the Mandate in the case. *See,* Attachment "H." On February 23, 2026, the Petitioner filed on what would have been thirty (30) days after the Maryland

Rule 8-602 dismissal was issued, a Petitioner's Motion For Recall Of Mandate Issued Twenty-Seven (27 Days) Following Initial Order, and/or To "De-Consolidate" Appeals Of No. 2167, Sept. Term 2023 (On Statutory Attorney's Fees Under Maryland Rule 2-703, (Questions Presented 1, 2, And 3), And No. 2100, Sept. Term 2019 (Question Presented 4) was filed with the Maryland Supreme Court. *See,* Attachment "I." In an Order dated March 19, 2026, signed by Chief Justice Fader of the Maryland Supreme Court, the "[P]etitioner's motion for recall of the Court's mandate or to "de-consolidate" appeals […] was denied. *See,* Attachment "J."

Under this Court's Rule 13 (1), Certiorari "is timely when it is filed with the Clerk of this Court within 90 days after entry of the judgment." As Certiorari was granted by Maryland's "Court of Last Resort" (on Question Presented Four on Attorney's Fees under Maryland Rule 1-341, with no specifical denials at that time on Questions Presented 1, 2, and 3 for Statutory Attorneys' Fees under Maryland Rule 2-703)[9], Supreme Court Rule 13(3), applies to this case. That Rule provides "[t]he time to file a petition for a writ of certiorari runs from the date of entry of the judgment or order sought to be reviewed, and not from the issuance date of the mandate…"

[9] As noted *supra,* the Maryland Supreme Court had granted Certiorari in *Sugarloaf,* a Maryland Rule 2-703 Statutory Attorneys' Fees case, which is presently pending decision with that Court.

This makes the effective final judgment date of the Supreme Court of Maryland as entered on February 20, 2026. Ignoring the legal and factual complications created by the Maryland Supreme Court's potential irregularities created by that Court's decisions and mandate in the case, the earliest deadline for Petitioner's time to file a petition for certiorari in this Court expires on Thursday, May 21, 2026. This application is being filed more than 10 days before that date. The jurisdiction of this Court is invoked under 28 U.S.C. §1254 (1) and §1257.

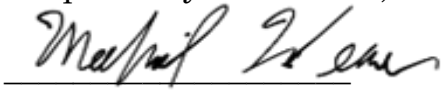
Petitioner's Counsel Michael Wein is an attorney licensed in the State of Maryland, various Federal Courts, and a member of the Bar of this Court. Particularly in light of the important questions presented by this case, including the complicated issues related to expansion of this Court's as noted in the draft Questions Presented *supra,* it is important that additional time be provided to Counsel to properly frame and argue these complex matters to this Court.

Additionally, significant good cause exists for a full sixty (60) days extension be approved by this Court from May 21, 2026 to July 21, 2026, beyond the more standard thirty (30) days through Monday, June 22, 2026. First, is that the Maryland Supreme Court took nearly an additional month, addressing the complicated Question Presented Two issue, in this Motion, on

whether they would "Recall" the Mandate because of their decision to issue a final decision and Mandate, on a non-time sensitive matter (in contrast with this Court's recent *Callais* ruling)seemingly randomly, at twenty-seven (27) days after the original negative Motion Ruling was received. Second, is that Petitioner's mother recently passed away, thus requiring significant complicated out-of-town work related to family health and funereal matters, the past 6 weeks, and will almost certainly require significant additional work out of town at least two weeks over the next two months, and (3) there is at least one pending Maryland Supreme Court case, awaiting decision, on the issues related to the Questions Presented 1, 2, and 3 (on Statutory Attorneys' Fees), which might justify a specific request for Summary Reversal and GVR relief.

Wherefore, Petitioner respectfully requests that an Order be entered extending her time to petition for Certiorari with this Court to and including July 20, 2026.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I, Michael Wein, Esquire, a member of the Bar of this Court, HEREBY CERTIFIES that on this 10th day of May 2026, I personally hand delivered a copy of the foregoing Motion, with the United States Supreme Court (via the North Drive Entrance) and caused to be served one copy via mail first class postage prepaid, of this Application for Extension of Time to File a Petition for Writ of Certiorari in the above captioned case, on the following counsel for Respondent:

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/s/ Michael Wein
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