

No. \_\_\_\_\_

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**In the Supreme Court of the United States**

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EMVLP, LLC; TWENTY-ONE EIGHTY-FIVE, LLC; STATE FARM BANK, F.S.B.,

*Applicants,*

v.

THUY MARTINEZ; HON. RICHARD M. STEWART; AFNI, INC.,

*Respondents.*

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**APPLICATION FOR AN EXTENSION OF TIME TO FILE  
A PETITION FOR A WRIT OF CERTIORARI**

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To the Honorable Brett M. Kavanaugh  
Associate Justice of the Supreme Court of the United States and  
Circuit Justice for the Eighth Circuit

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To the Honorable Brett M. Kavanaugh, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eighth Circuit:

1. Pursuant to Supreme Court Rule 13.5, Applicants EMVLP, LLC, Twenty-One Eighty-Five, LLC, and State Farm Bank, F.S.B., respectfully request a 60-day extension of time to and including Friday, October 24, 2025, to file a petition for a writ of certiorari. That extension would not exceed the maximum 60-day extension authorized by Supreme Court Rule 13.5 and 28 U.S.C. § 2101(c).

2. The St. Louis County Circuit Court issued its order certifying a nationwide class on January 29, 2025. The order is unpublished and is appended as Exhibit A.

3. Applicants sought review of the trial court's class certification order through a petition for leave to appeal under Missouri Supreme Court Rule 84.035 in the Missouri Court of Appeals, Eastern District. That court denied the petition on February 24, 2025. The order is unpublished and is appended as Exhibit B. Applicants moved for rehearing, and the court declined to rule on the motion on March 6, 2025.

4. Applicants sought further review through a petition for a writ of prohibition in the Supreme Court of Missouri. That court denied the petition on May 27, 2025. The order is unpublished and is appended as Exhibit C. This Court's jurisdiction would be invoked under 28 U.S.C. § 1257.

5. Applicants' petition for a writ of certiorari to the Supreme Court of Missouri is currently due on August 25, 2025. This application is being filed more than 10 days in advance of that date. No prior application has been made in this case.

6. This case presents important and complex constitutional questions that are eminently worthy of this Court's review.

7. Respondent Thuy Martinez obtained financing through Applicants for the purchase of a motor vehicle. She claims that Applicants sent her defective pre- and post-sale notices in violation of the Uniform Commercial Code. She sought and the Missouri trial court certified a nationwide class of other individuals across the country who also obtained financing through Applicants and likewise claim that Applicants sent them defective pre- and post-sale notices in violation of the Uniform Commercial Code.

8. Applicants are not Missouri residents. Nor are the 98% of class members who reside in other States and therefore received the allegedly defective pre- and post-sale notices outside of Missouri.

9. Despite the fact that Applicants reside out-of-state and 98% of class members reside out-of-state and assert claims based on out-of-state conduct, the Missouri trial court concluded that it had personal jurisdiction over Applicants as to the claims of the entire nationwide class.

10. That exercise of personal jurisdiction cannot be squared with the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution. Due process does not permit a state court to exercise personal jurisdiction over out-of-state defendants for claims by out-of-state plaintiffs based on out-of-state conduct. *See Bristol-Myers Squibb Co. v. Superior Ct.*, 582 U.S. 255, 264-66 (2017). Nothing about the class action device alters this fundamental due process limitation. *See, e.g., Tyson Foods, Inc. v. Bouaphakeo*, 577 U.S. 442, 458 (2016) (explaining that the class action device cannot “giv[e] plaintiffs and defendants different rights in a class proceeding than they could have asserted in an individual action”).

11. The undersigned counsel became involved in this case when appellate proceedings below were already underway. A 60-day extension would give the undersigned sufficient opportunity to thoroughly analyze the complex constitutional issues presented and prepare the petition for filing. The extension is also necessary given the heavy press of matters the undersigned is responsible for over the next month, as well as preexisting family obligations.

12. Applicants respectfully request that an order be entered extending the time to file a petition for a writ of certiorari up to and including Friday, October 24, 2025.

Dated: August 14, 2025

Respectfully submitted.

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## CERTIFICATE OF SERVICE

I certify that on August 14, 2025, I caused the above document to be served on the following by mail and electronic mail:

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