

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

ADVANFORT COMPANY,

Applicant,

v.

ZAMIL OFFSHORE SERVICES COMPANY and
SAUDI PORTS AUTHORITY, a foreign sovereign State,

Respondents.

APPLICATION FOR AN EXTENSION OF TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

To the Honorable John Roberts, Chief Justice of the United States and Circuit Justice for the United States Court of Appeals for the Fourth Circuit:

Pursuant to Rule 13.5 of the Rules of this Court, AdvanFort Company respectfully requests a 30-day extension of time, until Monday, September 29, 2025, within which to file a petition for a writ of certiorari. The United States Court of Appeals for the Fourth Circuit denied rehearing and rehearing en banc on May 30, 2025. Unless extended, the time for filing a petition for a writ of certiorari will expire on August 28, 2025. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254.

1. This case concerns whether, under the doctrine of *forum non conveniens*, an American company can be forced to split its claims across two cases in separate tribunals

in Saudi Arabia rather than litigate a single case against all defendants in its home forum in Virginia. This Court has held that “[a]t the outset of any *forum non conveniens* inquiry, the court must determine whether there exists an alternative forum.” *Piper Aircraft Co. v. Reyno*, 454 U.S. 235, 254 n.22 (1981). But the Court has not specifically addressed whether “an alternative forum” requires the existence of a single foreign tribunal in which a plaintiff can bring its entire case against all defendants, or whether the plaintiff may be forced to split its case across multiple courts in a foreign country.

2. In this case, AdvanFort owns a maritime security vessel, the *M/V Seaman Guard Virginia*, which was looted and destroyed by the Saudi Ports Authority and Zamil Offshore Services Company (Zamil) while docked at the Jeddah Shipyard in Saudi Arabia for routine maintenance. AdvanFort filed suit in its home forum—the United States District Court for the Eastern District of Virginia—alleging claims for conversion, breach of bailment, negligence, and gross negligence. The Saudi Ports Authority defaulted and never appeared. Zamil, however, appeared and moved to dismiss under the doctrine of *forum non conveniens* (among other reasons). The district court granted the motion on that ground and dismissed the case against both defendants.

On appeal, a majority of the Fourth Circuit affirmed in a published opinion over Judge Thacker’s dissent. The majority reasoned that the law “does not go so far as to demand that a defendant must identify a *single* tribunal in a foreign jurisdiction where all claims brought by a plaintiff may be heard and resolved.” Op. 16. Rather, all that is required is that “a defendant provide more than generalized evidence to demonstrate that the alternative forum is better, i.e., available.” *Id.* (internal quotation marks omitted). And,

according to the majority, a party satisfies that burden by showing that “all parties are amenable to process in the other jurisdiction.” *Id.* at 16–17 (internal quotation marks omitted). In other words, the majority held that whether “an alternative *forum*” exists turns only on whether an alternative *country* exists in which courts have jurisdiction over all defendants, even if, to find such jurisdiction, the plaintiff’s case must be litigated piecemeal in multiple tribunals.

Judge Thacker dissented. She correctly explained that “[d]ismissal for forum non conveniens requires the existence of *one* alternate, adequate, and available forum.” Op. 27 (Thacker, J., dissenting) (emphasis added). After all, this Court’s decision in *Piper* requires “an alternat[ive] *forum*.” *Id.* (quoting *Piper Aircraft*, 454 U.S. at 254 n.22). By deciding otherwise, she explained, the majority put the Fourth Circuit at odds with the Tenth Circuit’s decision in *DIRTT*, which held that “forum non conveniens ‘is not available as a tool to split or bifurcate cases.’” *Id.* at 29 (quoting *DIRTT Env’t Sols., Inc. v. Falkbuilt Ltd.*, 65 F.4th 547, 555 (10th Cir. 2023)). Judge Thacker would have held “that forum non conveniens is unavailable in this case because there is not a *single* alternative forum available to all defendants” given that requiring AdvanFort to litigate in “Saudi Arabia would require the case be split between two courts.” *Id.* at 27, 29.

3. AdvanFort respectfully requests an extension of time to determine whether to file a petition for writ of certiorari, and to prepare and file any such petition, seeking review of the Fourth Circuit’s published decision. This case presents important questions of federal law that this Court has not addressed. AdvanFort’s undersigned counsel is heavily engaged with other matters with recent and pending deadlines that would make the

existing deadline difficult to meet, including merits briefs in the Third, Sixth, and Ninth Circuits and upcoming oral arguments in the Second and Eleventh Circuits. The requested extension would allow counsel to continue to research the relevant legal issues and to prepare a petition that appropriately addresses the important issues raised by this case.

Accordingly, AdvanFort Company respectfully requests an extension of time to file a petition for a writ of certiorari up to and including September 29, 2025.

Date: August 18, 2025

Respectfully submitted,



Jonathan Y. Ellis

Counsel of Record

MCGUIREWOODS LLP

888 16th Street N.W.

Suite 500

Washington, DC 20006

(202) 828-2887

jellis@mcguirewoods.com

Counsel for Applicant AdvanFort Company