

App. No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

GLEN MORGAN,

Applicant,

v.

X, CORP.,

Respondent.

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

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To the Honorable Elena Kagan, as Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

Pursuant to Supreme Court Rule 13.5, Applicant Glen Morgan respectfully requests a 60-day extension of time to file a petition for a writ of certiorari, to and including December 5, 2025.

In support of this request, Applicant states as follows:

1. The United States Court of Appeals for the Ninth Circuit issued its opinion on April 30, 2025. *See* Ex. A. Applicant timely filed a petition for rehearing on May 13, 2025, which the court denied on July 9, 2025. *See* Ex. B, C. Absent an extension of time, the petition for certiorari would be due on October 7, 2025. This Court has jurisdiction under 28 U.S.C. §1254.

2. This case involves the important issue of the limited authority of federal courts to entertain class action suits in which the prospective lead plaintiff suffered no Art. III cognizable harm, and disclaims any Article III cognizable harm on his own behalf and that of the prospective class.

3. In *TransUnion LLC v. Ramirez*, 594 U.S. 413 (2021), this Court held that a federal court only has Art. III authority to hear a case where the plaintiff suffered a concrete harm, regardless of whether Congress had created a private right of action and the ability to recover a statutory damages award. “No concrete harm, no standing.” *Id.* at 417.

4. To avail oneself of the federal courts, the Court held, the party invoking federal jurisdiction had to show that “the asserted harm has a ‘close relationship’ to

a harm traditionally recognized as providing a basis for a lawsuit in American courts ...” *Id.*

5. Applicant Glen Morgan, a Washington subscriber to the Defendant’s social media app, sued in state court on his own behalf and on behalf of a putative class of fellow Washingtonians, alleging that X, Corp. had violated RCW 9.26A.140. That law forbids any person from procuring the telephone record of another through false or deceptive means. The statute creates a private right of action, with statutory damages. Mr. Morgan specifically alleged that the statute’s definition of “telephone record” encompassed his cell phone number, a record that is not listed in telephone directories but which he routinely shares with others.

6. Mr. Morgan alleged that X, Corp. induced subscribers to disclose cell phone numbers to it, in violation of RCW 9.26A.140, by making routine false statements about its privacy practices and the steps it would take to protect the numbers from further dissemination or use contrary to X, Corp.’s promises to subscribers. Mr. Morgan identified two separate FTC enforcement actions showing X, Corp.’s false statements (including false statements about its compliance with its consent decrees with the FTC) as well as extensive whistleblower testimony to the United States Senate detailing the extent to which X, Corp. made knowingly false statements about its protection of sensitive user data.

7. X, Corp. removed the lawsuit from Spokane County Superior Court to the United States District Court for the Eastern District of Washington, more than 30 days after service, then moved to dismiss.

8. Mr. Morgan sought remand on the grounds that X, Corp. had failed to carry its burden to demonstrate either statutory or Art. III jurisdiction.

9. The trial court denied all motions to remand and granted the Defendant's motion to dismiss. Mr. Morgan appealed to the Ninth Circuit, arguing (among other things) that no federal court could exercise Art. III jurisdiction over the case, because procuring a non-private piece of information (a cell phone number) does not have "a 'close relationship' to a harm traditionally recognized as providing a basis for a lawsuit in American courts ..." While X, Corp. argued—and the district court and Ninth Circuit agreed—that its alleged violation was akin to common law invasion of privacy, Mr. Morgan countered that common law privacy rights only extend to information a person actually keeps private, the disclosure of which "would be highly offensive to a reasonable person ..." Mr. Morgan cited Washington Supreme Court cases holding that common law privacy rights extend only to those "phases of his life and his activities and some facts about himself that he does not expose to the public eye, but keeps entirely to himself or at most reveals only to his family or to close personal friends." *Cowles Publ'g Co. v. State Patrol*, 109 Wash. 2d 712, 721 (quoting Restatement (Second) of Torts § 652D cmt. b, at 386).

10. Despite the serious constitutional concerns raised by Mr. Morgan, the Ninth Circuit affirmed the District Court in all respects. It held that it could exercise Art. III jurisdiction over Mr. Morgan's claims, including over an abandoned claim, for the purpose of affirming the District Court's dismissal with prejudice.

11. Good cause exists for granting Applicant's request for an extension of time to file a petition for a writ of certiorari. An extension is warranted because this case presents substantial and important questions involving the scope of state statutory damages cases as to which any federal court may exercise jurisdiction.

12. Additionally, Applicant's counsel is a sole practitioner with an active trial and appellate practice. Specifically, between the Ninth's Circuit's decision in this matter and the initial deadline, Applicant's counsel will have briefed and argued fifteen separate dispositive motions, with a further six appellate briefs due in pending matters between the date of this request and the requested deadline.

13. This is Applicant's first request for an extension of time, and no prejudice will result to Respondents if this extension is granted.

Conclusion

For these reasons, Applicant respectfully requests that the Court extend the time to file a petition for a writ of certiorari in this matter, to and including December 5, 2025.

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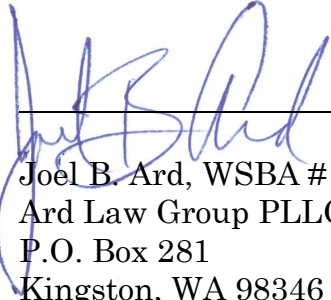
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September 23, 2025

Respectfully submitted,

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