

IN THE SUPREME COURT OF THE UNITED STATES

EVA MIGLIORE, by her next friend
Joseph Migliore,

Applicant,

vs.

SUNLIGHT FINANCIAL LLC,
CROSS RIVER BANK,

Respondents

No. _____

**CONSENT APPLICATION FOR AN EXTENSION OF TIME TO
FILE PETITION FOR A WRIT OF CERTIORARI
TO THE U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT**

*To the Honorable Samuel A. Alito, Jr. as Circuit Justice for the United States Court
of Appeals for the Third Circuit:*

In accordance with Supreme Court Rules 13.5, 22, 30.2, and 30.3, Applicant Eva Migliore, by her next friend Joseph Migliore, by and through her undersigned counsel of record, respectfully requests that the time to file her petition for a writ of certiorari be extended for 60 days, up to and including Friday, March 20, 2026. Applicant has not previously sought an extension to file her petition. The Respondents consent to this Application.

Jurisdictional Statement

The jurisdiction of this Court is based on 28 U.S.C. 1254(1), as the petition concerns an appeal in a civil matter decided by the United States Court of Appeals for the Third Circuit, No. 24-1679.

Procedural History

The Court of Appeals issued its initial opinion and judgment affirming dismissal of Ms. Migliore's case under Fed. R. Civ. P. 12(b)(6) on October 22, 2025. (Exhibit A). On November 5, 2025, Ms. Migliore filed a timely Petition for Panel Rehearing or *En Banc* Review. On November 21, 2025, the Court of Appeals entered an order granting panel rehearing but denying *en banc* review (Exhibit B). At the same time, the Court of Appeals issued an Amended Opinion (Exhibit C) which removed one paragraph from the initial opinion. That Amended Opinion is the subject of Ms. Migliore's forthcoming petition. In its November 21, 2025 Order (Ex. B), the Court of Appeals stated "the judgment will remain as filed," *i.e.* as of October 22, 2025. As such, absent an extension of time, Ms. Migliore's petition for a writ of certiorari would be due on January 20, 2026.

Good Cause for the Extension

The time taken for addressing the rehearing petition reduced Applicant's time to petition this Court by thirty (30) days. Additionally, two intervening holidays (Thanksgiving and Christmas/ Hanukkah) fell within the 90-day petition period further reducing Applicant's time to act. In total, Applicant's time to petition this Court has effectively been halved.

Moreover, Applicant requires an extension in order to prepare and file a petition suitable for submission to this Court on an issue of exceptional importance

under the federal Fair Credit Reporting Act, 15 U.S.C. §1681 et seq. (“FCRA”), which potentially bears on the privacy rights of millions of American consumers. A salesman forged Ms. Migliore’s name to a credit application without her knowledge or consent. The FCRA limits access to one’s credit report to certain enumerated permissible purposes. 15 U.S.C. §1681b. The permissible purpose of a “credit transaction involving the consumer” at 15 U.S.C. §1681b(a)(3)(A) is “[s]ubject to subsection (c),” which requires “consumer authoriz[ation]” for transactions “not initiated by the consumer.” 15 U.S.C. §1681b(c)(1). Your Applicant respectfully believes the Court of Appeals erred by not requiring such consumer authorization when it affirmed dismissal of Migliore’s FCRA claim. The panel’s decision has created a circuit split with the Seventh and Ninth Circuits. The panel’s error, if left unaddressed, would allow prospective lenders to indiscriminately pull credit reports from anyone, at any time, without their authorization, even though the consumer did nothing to initiate the credit transaction.

Due to the delay associated with the petition for rehearing – with the Court of Appeals adhering to the original judgment date, the intervening holidays, and the importance and complexity of the issues, additional time to petition for certiorari is required.

The Request is Unopposed

This request is unopposed by Respondents Sunlight Financial LLC and Cross River Bank, who have consented to the 60-day extension request via their counsel, Mr. Ellis.

WHEREFORE, Applicant requests that the time to file a petition for a writ of certiorari in the above-captioned matter be extended 60 days up to and including March 20, 2026.

Respectfully submitted:

Date: January 7, 2026

s/ Cary L. Flitter

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CERTIFICATE OF SERVICE

I, Cary L. Flitter, a member of the Bar of the Supreme Court of the United States, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. Said document is available for viewing and downloading from the ECF system, and a copy of which was transmitted by email to all counsel of record:

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Date: January 7, 2026

s/Cary L. Flitter

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