

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. 25A799

**CONSENT APPLICATION FOR FURTHER 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 further extended for 20 days, up to and including Friday, April 10, 2026.

Applicant has previously sought an extension to file her petition, and the Court allowed an additional 30 days from the February 19, 2026 initial due date (premised on denial of *en banc* review) to March 21, 2026. If this application is allowed, the total time of the two extensions would be 50 days, below the 60-day maximum extension generally permitted by application to the Court under Rule 13.5. The Respondents consent to this second and final extension 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 for the Third Circuit 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). That Amended Opinion and the judgment affirming dismissal are the subject of Ms. Migliore's forthcoming petition.

Ms. Migliore's petition for a writ of certiorari would have been due February 19, 2026 (90 days from the denial of *en banc* review). Applicant sought and this Court granted a first extension request and set the petition filing date for March 21, 2025 effectively granting a thirty (30) day extension from the due date based on the denial of *en banc* review.

Good Cause for the Extension

Applicant requires an extension in order to prepare and file a petition on an issue of exceptional importance under the federal Fair Credit Reporting Act, 15 U.S.C. §1681 et seq. (“FCRA”), from a ruling 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 ruling, if left unaddressed, would allow companies 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 importance and complexity of the issues, counsel requires additional time to petition for certiorari. An extension of time is necessary to ensure that counsel has sufficient time to prepare a thorough and effective brief on behalf

of the petitioner that is at the same time concise and helpful to this Court. Additional time is required as well to perfect the printing and binding of the brief and appendix. Applicant's counsel is a small suburban firm with an active litigation practice tasked with preparing this petition for certiorari on an issue of consumer privacy with widespread implication.

The Request is Unopposed

This extension request will not cause prejudice to Respondents. The request is unopposed by Respondents Sunlight Financial LLC and Cross River Bank, who indicate they do not object to this further request of a 20-day extension 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 20 days up to and including April 10, 2026.

Respectfully submitted:

Date: March 9, 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: March 9, 2026

s/Cary L. Flitter
CARY L. FLITTER