No. _____

In the Supreme Court of the United States

GOCE GLIGOROV,

Petitioner,

-against-

NATION OF BRUNEI; BRUNEI INVESTMENT AGENCY; HASSANAL BOLKIAH, SULTAN; AL-MUHTADEE BILLAH, CROWN PRINCE; DORCHESTER COLLECTION; DORCHESTER GROUP, LLC; SEVEN PROPERTIES AG; PG YUSOF SEPIUDDIN; PEHIN NAWAWI; PEHIN YASMIN; HJ ZAINAL; HJ AZIYAN; ANAK HAJI ABDUL AZIZ, PERNGIRAN (PG); AUDLEY PROPERTY MANAGEMENT LIMITED,

Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

PETITION FOR WRIT OF CERTIORARI

KENNETH FOARD MCCALLION, ESQ.
DARRAGH O'BOYLE, ESQ.
MCCALLION & ASSOCIATES, LLP
Counsel for Petitioner
100 Park Avenue, 16th Floor
New York, NY 10017
(646) 366-0884
kfm@mccallionlaw.com
darragh@mccallionlaw.com

November 5, 2026

QUESTION PRESENTED

Whether, after *Fuld v. Palestine Liberation Organization*, the Fifth Amendment permits a federal court to exercise personal jurisdiction under Federal Rule of Civil Procedure 4(k)(2) as to a foreign defendant that owns and operates hotels in the United States and is alleged to have hosted meetings there in furtherance of the scheme sued upon, where the plaintiff is a foreign national with no substantial U.S. business interests.

PARTIES TO THE PROCEEDING

Petitioner Goce Gligorov was the Plaintiff in the District Court and is the Appellant in the Court of Appeals.

Respondents were the Defendants in the District Court and the Appellees in the Court of Appeals. They are the Nation of Brunei; the Brunei Investment Agency; Sultan Hassanal Bolkiah; Crown Prince Al-Muhtadee Billah; PG Yusof Sepiuddin; Pehin Nawawi; Pehin Yasmin; HJ Zainal; HJ Aziyan; Anak Haji Abdul Aziz; Audley Property Management Company Limited; Seven Properties AG; and The Dorchester Group, LLC, doing business as The Dorchester Collection.

Only the three corporate respondents were served and appeared. The remaining respondents have not been served and have not appeared in this proceeding.

CORPORATE DISCLOSURE STATEMENT

Since Petitioner is an individual, Rule 29.6 does not apply.

RELATED PROCEEDINGS

Gligorov v. Nation of Brunei, No. 23-7024 (D.C. Cir. May 9, 2023) (dismissed on stipulation of voluntary dismissal; no mandate issued).

TABLE OF CONTENTS

QUESTION PRESENTED i

PARTIES TO THE PROCEEDING i

CORPORATE DISCLOSURE STATEMENT ii

RELATED PROCEEDINGS ii

OPINIONS BELOW 1

JURISDICTION 1

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED 2

STATEMENT OF THE CASE 3

A. Legal Background 3

B. Facts 4

C. Proceedings in the District Court 6

D. The Court of Appeals' Decision 8

REASONS FOR GRANTING THE WRIT 10

I. The Question Is Important, Recurring, and Unsettled 11

II. The Decision Below Misapplies *Fuld* 13

A. The agreed test fixed the vocabulary, not the answer 13

B. The court-made-rule distinction cannot be reconciled with *Fuld* 13

C. The reasonableness analysis inverts Fuld 14

III. This Case Is a Suitable Vehicle 16
CONCLUSION 18

TABLE OF AUTHORITIES

Cases

Akhmetshin v. Browder,
181 F.4th 1307 (D.C. Cir. 2026)..... 12, 13, 14

Fuld v. Palestine Liberation Organization,
606 U.S. 1 (2025) .....passim

Gligorov v. Nation of Brunei,
185 F.4th 1169 (D.C. Cir. 2026)..... 1

Gligorov v. Nation of Brunei,
No. 21-cv-1773, 2023 WL 1438326
(D.D.C. Jan. 31, 2023)..... 1

Gligorov v. Nation of Brunei,
No. 21-cv-1773, 2024 WL 4523861
(D.D.C. Sept. 26, 2024)..... 1

Gligorov v. Nation of Brunei,
No. 23-7024 (D.C. Cir. May 9, 2023)..... ii, 7

Licht v. Binance Holdings Ltd.,
2026 WL 884205
(D. Mass. Feb. 20, 2026)..... 11

Perimetral Oriental de Bogotá, S.A.S. v. Agencia Nacional de Infraestructura,
2026 U.S. Dist. LEXIS 184222
(D.D.C. Aug. 14, 2026)..... 12

Statutes

28 U.S.C. § 1254(1) 1

28 U.S.C. § 2072..... 2, 14

Fed. R. Civ. P. 4(k)..... passim

Fed. R. Civ. P. 4(k)
advisory committee's note to
1993 amendment 3

Sup. Ct. R. 13.1 1

Sup. Ct. R. 29.6 ii

U.S. Const. amend. V ..... passim

OPINIONS BELOW

The opinion of the court of appeals (A-1 to A-27) is reported at 185 F.4th 1169. The accompanying judgment (A-28 to A-29) is unreported. The court of appeals' orders of June 23, 2025 and August 7, 2025, directing supplemental briefing and reargument following *Fuld v. Palestine Liberation Organization* (A-30 to A-34), are unreported.

The district court's memorandum opinion dismissing the corporate defendants for lack of personal jurisdiction and denying jurisdictional discovery, dated January 31, 2023 (A-35 to A-49), is unreported but available at 2023 WL 1438326. The accompanying order of the same date (A-50) and the amended order of February 3, 2023 (A-51) are unreported. The district court's order of September 26, 2024 entering partial final judgment under Federal Rule of Civil Procedure 54(b) (A-52 to A-55) is unreported but available at 2024 WL 4523861.

JURISDICTION

The court of appeals entered its judgment on August 7, 2026. A-28 to A-29). No petition for rehearing was filed. This petition is filed within 90 days of that date. See Sup. Ct. R. 13.1. The jurisdiction of this Court rests on 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Federal Rule of Civil Procedure 4(k) provides:

(k) Territorial Limits of Effective Service.

(1) In General. Serving a summons or filing a waiver of service establishes personal jurisdiction over a defendant:

(A) who is subject to the jurisdiction of a court of general jurisdiction in the state where the district court is located;

(B) who is a party joined under Rule 14 or 19 and is served within a judicial district of the United States and not more than 100 miles from where the summons was issued; or

(C) when authorized by a federal statute.

(2) Federal Claim Outside State-Court Jurisdiction. For a claim that arises under federal law, serving a summons or filing a waiver of service establishes personal jurisdiction over a defendant if:

(A) the defendant is not subject to jurisdiction in any state's courts of general jurisdiction; and

(B) exercising jurisdiction is consistent with the United States Constitution and laws.

28 U.S.C. § 2072 provides, in relevant part:

(a) The Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of evidence for cases in the United States

district courts (including proceedings before magistrate judges thereof) and courts of appeals.

(b) Such rules shall not abridge, enlarge or modify any substantive right. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.

The Due Process Clause of the Fifth Amendment to the United States Constitution provides, in relevant part:

No person shall…be deprived of life, liberty, or property, without due process of law…

STATEMENT OF THE CASE

A. Legal Background

Federal Rule of Civil Procedure 4(k)(2) allows a federal court to exercise personal jurisdiction over a defendant in a case arising under federal law when the defendant is not subject to jurisdiction in any state's courts of general jurisdiction and the exercise of jurisdiction is consistent with the Constitution and laws of the United States. The Advisory Committee adopted the provision in 1993 to close a gap in the enforcement of federal law. Foreign defendants with substantial contacts with the United States as a whole, but not enough with any single state, could otherwise avoid suit. Fed. R. Civ. P. 4(k) advisory committee's note to 1993 amendment. A-4. Until 2025, the court of appeals applied the Fourteenth Amendment's minimum-

contacts framework to Rule 4(k)(2), measuring contacts with the United States as a whole. A-12.

In *Fuld v. Palestine Liberation Organization*, 606 U.S. 1 (2025), this Court held that the Fifth Amendment's Due Process Clause does not incorporate the Fourteenth Amendment's minimum-contacts requirement. The Court upheld a statute conferring jurisdiction over two foreign entities on the basis of specified conduct that bore a meaningful relationship to the United States. It assumed without deciding that the Fifth Amendment includes a reasonableness inquiry, and it found the statute satisfied the familiar considerations: the burden on the defendant, the interests of the forum, and the plaintiff's interest in obtaining relief. The Court expressly declined to define the outer limits of the federal government's power to subject foreign defendants to suit. A-12, A-16 to A-18.

B. Facts

Because this case arises from a motion to dismiss for lack of personal jurisdiction, the facts are taken from the Second Amended Complaint and the supporting declarations, which the Court of Appeals accepted as true except where unsupported by the facts. A-11.

Petitioner Goce Gligorov is a Slovenian businessman. As early as 2011 he met senior Brunei officials and attended state events. A-6. Brunei government representatives, including individual

defendants, asked him to investigate alleged wrongdoing by other Brunei officials, in exchange for $250,000. A-6. In 2016 he delivered findings concerning theft, money laundering, and the financing of terrorism by certain officials. A-6.

Petitioner alleges that the investigation showed high-ranking officials used accounts associated with three corporate respondents to disguise the financing of terrorist organizations: Audley Property Management Company Limited, through accounts in London; Seven Properties AG, through accounts in Zurich; and The Dorchester Group, LLC, doing business as The Dorchester Collection, through accounts at two London banks, with the knowledge and cooperation of its officers and agents. A-6 to A-7.

Petitioner alleges that the corporate respondents maintained "safe rooms" or "safe houses" used by the individual respondents and other agents of the Brunei government for clandestine meetings. A-7. Dorchester owns and operates the Beverly Hills Hotel and the Bel Air Hotel in California, and petitioner alleges that it maintains safe rooms in both. A-7, A-22. After petitioner delivered his findings, the Brunei officials turned against him. They declined to pay what they owed and, according to the complaint, plotted to keep his findings from becoming public and to destroy his reputation and business. A-7. Petitioner alleges that Dorchester's safe rooms were used by the individual respondents and by representatives

of the corporate respondents to plan that campaign, and that at least one such meeting took place at the Beverly Hills Hotel. A-7–A-8, A-22–A-23. The respondents then allegedly made false accusations to INTERPOL, which led to a Blue Notice and to petitioner being stopped at the borders of the United States and other countries. A-8. The Blue Notice interfered with his ability to do business and has seriously harmed his business and reputation. A-8.

In opposing dismissal, petitioner submitted a declaration from an investigator, Ronald Dunnett, identifying four meetings at the Beverly Hills Hotel between November 2015 and August 2019 that included Brunei government officials as attendees. A-8–A-9. Petitioner's own declaration stated that the Blue Notice and the campaign against him cost him a lucrative consulting contract with a cruise company based in Los Angeles and another with a cruise line that does substantial business in the United States. A-20.

C. Proceedings in the District Court

Petitioner sued Brunei, the Brunei Investment Agency, several government officials, and the three corporate respondents in the United States District Court for the District of Columbia. His Second Amended Complaint alleges, against the corporate respondents, civil RICO violations, RICO conspiracy, and tortious interference with business relations, along with other claims against other respondents. A-8; A-36–A-37. Only the three

corporate respondents were served and appeared. Brunei and the remaining respondents have not been served, because Brunei is not a party to the Hague Service Convention and service must proceed through letters rogatory. A-54.

The corporate respondents moved to dismiss for lack of personal jurisdiction and for failure to state a claim, and petitioner cross-moved for jurisdictional discovery. A-8. The district court granted the motion on personal jurisdiction alone, without reaching failure to state a claim. A-35–A-36; A-49. The court held that it lacked general jurisdiction. A-38–A-39. It then held that RICO's service provision did not supply jurisdiction because no defendant had minimum contacts with the District. A-40–A-42. Finally, it held that Rule 4(k)(2) did not apply because petitioner had not shown that the corporate respondents had sufficient contacts with the United States as a whole to satisfy the Fifth Amendment, which it analyzed through the minimum-contacts framework. A-42–A-47. The court denied jurisdictional discovery as speculative and overbroad. A-47–A-49. In an amended order, the court corrected the name of the Dorchester defendant. A-51.

After a prior appeal was voluntarily dismissed, *Gligorov v. Nation of Brunei*, No. 23-7024 (D.C. Cir. May 9, 2023), the district court entered partial final judgment for the corporate respondents under Rule 54(b) on September 26, 2024. It found no just reason for delay because the remaining

respondents were absent and would not be prejudiced by a separate appeal. A-52 to A-55. Petitioner timely appealed.

D. The Court of Appeals' Decision

The court of appeals heard argument on May 12, 2025. A-1. After *Fuld* was decided in June 2025, the court ordered supplemental briefs and reargument on the test governing personal jurisdiction under the Fifth Amendment and on how Rule 4(k)(2) fits within it. A-10; A-30 to A-34.

The panel (Millett, Pillard, and Katsas, Circuit Judges) affirmed. It acknowledged that *Fuld* released the court from its earlier rule that the Fifth Amendment imposes the Fourteenth Amendment's limits. A-12. It declined to decide what test applies, however, and said instead that the parties had agreed the Fifth Amendment requires reasonable jurisdiction and a reasonable nexus with the United States. A-12; A-19. It treated that agreement, together with the corporate respondents' ability to waive the defense, as a reason to assume a reasonableness test applies. A-12–A-13. The panel also distinguished *Fuld* because Rule 4(k)(2) is a rule promulgated by a court and not a statute enacted by Congress, so that the Rule communicates no federal policy or congressional interest in subjecting defendants to jurisdiction. A-18–A-19. It said the question remains unsettled. A-18.

Applying the agreed test, the panel considered three factors and found each lacking.

First, petitioner had not shown any interest in litigating in the United States, because he is neither a U.S. national nor a U.S. resident and had not alleged significant business ties here., and his lost consulting contracts were described as potential opportunities not tied to the United States. A-20. Second, petitioner had not identified a sovereign interest of the United States, because the alleged activities of foreign defendants against a foreign businessman occurred overseas. A-20 to A-21. Third, Petitioner had not shown that the burden on the Defendants was low enough. A-21 to A-22.

The panel treated the three corporate respondents together on the first two factors and separately on the third. It held that Audley and Seven Properties were connected to the United States only by an allegation that unidentified representatives attended a meeting at the Beverly Hills Hotel, and that petitioner had made no argument about the burden on either. A-21 to A-22. As to Dorchester, the panel acknowledged that the complaint draws real connections to the United States: it owns and operates two California hotels, maintains safe rooms in them, and allegedly hosted meetings there to plan the campaign against petitioner. A-22 to A-23. It concluded that this business presence did not give Dorchester notice that it could be sued by a foreign businessman for activities outside its hotel business and injuries suffered outside the United States, and it found no discernible U.S. interest. A-23. It dismissed the safe-

room allegation as adding nothing to the analysis. A-23 to A-24.

The panel affirmed the denial of jurisdictional discovery on the grounds that petitioner had not developed an argument that discovery would show the exercise of jurisdiction was reasonable and had not explained how discovery about one meeting could change the analysis. A-24–A-27. It did not decide whether the complaint states a claim, a question the district court also left open.

Petitioner did not seek rehearing.

REASONS FOR GRANTING THE WRIT

This Court held in *Fuld v. Palestine Liberation Organization*, 606 U.S. 1, 16 (2025), that the Fifth Amendment does not import the Fourteenth Amendment's minimum-contacts requirement, and it left open the standard that governs in its place. *Id.* at 18. The Court also assumed, without deciding, that a reasonableness inquiry applies, and found it satisfied. *Id.* at 23-25. Since then the lower courts have been working out what that inquiry means. The decision below is among the first appellate attempts to apply it outside the statute at issue in *Fuld*. It resolves a federal-law claim against a foreign defendant that owns and operates hotels in the United States by treating the Plaintiff's foreign nationality as controlling, and by reading *Fuld* so narrowly that Rule 4(k)(2) has no federal interest of its own to

weigh. This Court should grant review under Rule 10(c) to say how the inquiry operates.

I. The Question Is Important, Recurring, and Unsettled

Fuld decided what the Fifth Amendment does not require and said little about what it does. The Court declined to define the outer bounds of the federal government's power to hale foreign defendants into court, 606 U.S. 1 at 18, and it said only that the Fifth Amendment permits a more flexible inquiry than the Fourteenth. *Id.* at 16. The Court of Appeals recognized that the reach of that holding "remains unclear." A-18. The decision below does not purport to resolve it. It assumes a reasonableness test because the parties agreed one applies. A-12, A-19.

The lower courts are handling the gap in different ways. Before *Fuld*, courts consistently treated the Fifth Amendment test under Rule 4(k)(2) as identical to the Fourteenth Amendment's minimum-contacts test, measured against the United States as a whole. See *Licht v. Binance Holdings Ltd.*, 2026 WL 884205, at *15-16 (D. Mass., Feb. 20, 2026) (collecting cases); A-12. After *Fuld*, many courts have avoided defining the new standard. They apply the old test and hold that a defendant who meets it necessarily satisfies the more flexible one. *Licht*, 2026 WL 884205, at *15–16. That approach is workable when contacts are conceded. It offers nothing when, as here, the

question is whether jurisdiction is reasonable for a defendant whose contacts with the United States are real but are contested as insufficient under the old test. The district court held they were insufficient. A-42 to A-47. The Court of Appeals did not decide whether they were sufficient. It assumed a reasonableness test and held the exercise of jurisdiction unreasonable. A-12–A-13, A-24.

Within a single month, the District of Columbia produced three different treatments of *Fuld*. In *Akhmetshin v. Browder*, 181 F.4th 1307, 1311-13 (D.C. Cir. 2026), the court held that *Fuld* does not alter the minimum-contacts standard for the District's local courts, reasoning that *Fuld's* holding is about jurisdiction exercised by federal courts and rests on the distinct territorial sovereignty from which federal courts derive their authority. Three weeks later, the decision below reasoned that *Fuld's* analysis fits poorly where, as here, jurisdiction flows from a rule promulgated by the courts and not from a statute. A-18–A-19. A week after that, the district court in *Perimetral Oriental de Bogotá, S.A.S. v. Agencia Nacional de Infraestructura*, 2026 U.S. Dist. LEXIS 184222, at *39-43 (D.D.C. Aug. 14, 2026), applied *Fuld's* reasonableness factors to a foreign instrumentality. It relied on the decision below for the point that a communicated federal policy matters to the analysis. *Id.* at *42. An appeal in *Perimetral* was filed on September 15, 2026. The District of Columbia is a frequent forum for claims against

foreign defendants, and these decisions will control there. Guidance from this Court will matter well beyond this case.

II. The Decision Below Misapplies *Fuld*.

A. The agreed test fixed the vocabulary, not the answer

Petitioner does not ask the Court to decide whether reasonableness is the correct Fifth Amendment test. The court of appeals assumed it, following this Court's example in *Fuld*, and the question presented takes that assumption as given. The question is how the inquiry is applied. The parties' agreement that jurisdiction must be reasonable in light of federal sovereignty, congressional authorization, and basic fairness, A-12, answered the first question. It did not answer whether the factors may be resolved against a plaintiff because of his nationality, or whether Rule 4(k)(2) can carry a federal interest at all.

B. The court-made-rule distinction cannot be reconciled with *Fuld*

The court of appeals reasoned that because Rule 4(k)(2) is promulgated by the courts and not enacted by Congress, it "does not communicate any substantive federal policy" and so offers no federal interest to weigh. A-18. That reading is difficult to square with the reasoning of *Fuld* and with *Akhmetshin*. *Fuld* rejected the Fourteenth Amendment test because the federal courts exercise

the authority of a distinct sovereign whose territorial reach differs from that of any State. 606 U.S. 1, at 16. That premise does not depend on whether a rule or a statute confers jurisdiction. *Akhmetshin* read *Fuld* the same way, stressing that the Court was addressing jurisdiction exercised by a federal court. 181 F.4th 1307, at 1312-13.

The court's own authorities for the Rule's procedural character, decisions of the Fifth and First Circuits, were decided before *Fuld*. A-18–A-19. And Rule 4(k)(2) is not a free-floating source of jurisdiction. It applies only to claims "arising under federal law," against defendants not subject to jurisdiction in any state, and it operates under authority Congress delegated in 28 U.S.C. § 2072. Every case under the Rule therefore involves a federal claim, and with it a federal interest in having that claim heard. This case is an example. Petitioner's claims arise under RICO, and Congress has made the provision of material support to terrorist organizations a RICO predicate, as the Court of Appeals itself recounted. A-5. A court that holds there is no discernible federal interest in a RICO case alleging terrorism financing, A-23, has not applied *Fuld's* weighing of federal interests. It has removed them from the scale.

C. The reasonableness analysis inverts Fuld

In Fuld, the factors were the burden on the defendant, the interests of the forum, and the

plaintiff's interest in relief. 606 U.S. 1, at 23-25. The Court of Appeals applied them in three ways that conflict with that approach.

First, it treated petitioner's foreign nationality as decisive. It found no plaintiff's interest because he is not a United States national or resident and does not claim significant business ties here, A-20, and no sovereign interest because the alleged conduct harmed a foreign businessman abroad, A-20–A-21. It drew the contrast with *Fuld* that *Fuld* involved American victims. A-21. But *Fuld's* interest analysis weighed the United States' interest in the particular conduct and the particular defendants. Nothing in it makes the plaintiff's passport a threshold. The alleged conduct is that a defendant operating hotels in California made rooms there available for meetings to plan the scheme sued upon. A-22–A-23. A forum's interest in that conduct does not vary with the nationality of the person who is harmed.

Second, it placed the burden on the wrong party. It faulted petitioner for not explaining how the suit would avoid unreasonably burdening the defendants. A-13. In *Fuld*, the burden factor favored jurisdiction because the defendants did not assert that litigating in the United States would be unfair or unmanageable. 606 U.S. 1, at 24-25. The Court treated the burden as the defendant's to raise. If a plaintiff must disprove burden in the abstract before a defendant has shown any, the inquiry that *Fuld*

assumed has become an additional pleading requirement.

Third, it conflated notice with the identity of the plaintiff. It held that Dorchester's business presence did not give it notice that it could be sued by a foreign businessman, for activities outside its hotel business, over injuries suffered abroad. A-23. In *Fuld* the defendants had notice that continuing to engage in specified conduct would expose them to jurisdiction. 606 U.S. 1 at 24–25. That is a question about the defendant's own conduct in the forum. It does not turn on who the plaintiff is or where the injury was felt, and the panel did not explain why a hotel operator that allegedly hosted the planning of the scheme in its own U.S. hotels lacked notice that the scheme could lead to suit here.

III. This Case Is a Suitable Vehicle

The question is cleanly presented as to Dorchester. The court of appeals acknowledged that the complaint draws real connections between Dorchester and the United States: it owns and operates two California hotels, maintains safe rooms in them, and allegedly hosted meetings there to plan the campaign against petitioner. A-22–A-23. The court then held jurisdiction unreasonable on grounds that turn on the plaintiff's nationality and on the Rule's court-made character, not on any dispute about those facts. The question was passed on, because the Court of Appeals decided the case on

it, and petitioner argued the burden point as to Dorchester below. A-22.

Two features of the decision reinforce the need for review. The court drew inferences against petitioner at the pleading stage. It held the "safe room" allegation added nothing because a hotel's provision of rooms for confidential meetings does not itself endorse illicit behavior, A-23–A-24, in a case reviewed on the rule that allegations are taken as true and reasonable inferences drawn in the plaintiff's favor. A-11. It also affirmed the denial of jurisdictional discovery on the ground that petitioner had not shown how discovery about one meeting could change the analysis. A-26–A-27. The court thus faulted the pleading for lacking detail about the safe rooms and the representatives who attended, and denied the discovery that would supply it. That course illustrates how the reasonableness inquiry can function as a second, heavier jurisdictional pleading standard unless this Court says otherwise.

The Court can address the question without deciding anything about Audley or Seven Properties, whose connections the court of appeals found thinner. A-21–A-22. No other ground for affirmance stands in the way. The district court dismissed solely for lack of personal jurisdiction and did not reach the corporate respondents' alternative arguments for dismissal for failure to state a claim. A-35–A-36, A-49. If the Court reverses, those arguments remain for the district court on remand.

CONCLUSION

The petition for a writ of certiorari should be granted.

Dated: New York, New York
November 5, 2026

McCALLION & ASSOCIATES LLP

/s/ Kenneth F. McCallion
Kenneth F. McCallion
Darragh O'Boyle
100 Park Avenue – 16th Floor
New York, New York 10017
(646) 366-0884
Attorneys for Petitioner

CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rule 33.1(h), I certify that the PETITION FOR A WRIT OF CERTIORARI and APPENDIX filed in the above entitled case complies with the typeface requirement of Supreme Court Rule 33.1(b), being prepared in New Century Schoolbook 12 point for the text and 10 point for the footnotes, and this brief contains 3,703 words, excluding the parts that are exempted by Supreme Court Rule 33.1(d), as needed.

Dated: New York, New York
November 5, 2026

McCALLION & ASSOCIATES LLP

/s/ Kenneth F. McCallion
Kenneth F. McCallion
Darragh O'Boyle
100 Park Avenue – 16th Floor
New York, New York 10017
(646) 366-0884
Attorneys for Petitioner