

No. \_\_\_\_\_

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**IN THE SUPREME COURT OF THE UNITED STATES**

TARIQ ELSHABBA, *on behalf of himself and those similarly situated,*

*Applicant,*

v.

JEFFERSON CAPITAL SYSTEMS, LLC; and JOHN DOES 1 to 10,

*Respondents.*

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**APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO  
FILE A PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME  
COURT OF NEW JERSEY**

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To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Third Circuit:

Pursuant to Supreme Court Rules 13.5, 22, and 30.3, Applicant Tariq Elshabba ("Elshabba"), on behalf of himself and those similarly situated, respectfully seeks a 60-day extension of the time within which to file a petition for a writ of certiorari to review the Supreme Court of New Jersey's judgment in this case, to and including September 4, 2026. Absent an extension, the deadline for

filing the petition will be July 5, 2026, which falls on Sunday. Pursuant to Supreme Court Rule 30.1, since the deadline falls on a Sunday, the period is extended to the next business day, Monday, July 6, 2026. In support of this request, the applicant states as follows:

1. On April 6, 2026, the Supreme Court of New Jersey denied the petition for certification of the judgment in this case, a copy of which is attached. This Court has jurisdiction under 28 U.S.C. § 1257(a).

2. This case stems from Applicant's allegation that Defendant-Respondent Jefferson Capital Systems, LLC ("JCS") violated the Fair Debt Collection Practices Act ("FDCPA"), which provides that "a debt collector may not communicate, in connection with the collection of any debt, with any person" other than specified individuals. 15 U.S.C. § 1692c(b). JCS violated the FDCPA by transmitting Elshabba's private and protected financial information—including his account number, the amount alleged due, his name, and his address—to a third-party letter vendor, which then utilized that information to send multiple collection letters to Elshabba.

3. This case raises an important question concerning the proper construction of the FDCPA: whether a debt collector violates 15 U.S.C. § 1692c(b) when it communicates consumer financial information to a third-party service provider for

the purpose of drafting, printing, and mailing collection letters. The courts below declined to give "due respect" to the consistent body of published federal court decisions holding that such conduct violates § 1692c(b), in contravention of the principle articulated by the New Jersey Supreme Court in *Dewey v. R.J. Reynolds Tobacco Co.*, 121 N.J. 69, 80 (1990), that New Jersey courts must afford due respect to how federal courts have applied federal statutes, "particularly where they are in agreement."

4. Good cause for the requested extension exists because of the upcoming July 4th holiday and because the undersigned counsel, Yongmoon Kim, has substantial work obligations in other matters during this period. These obligations include multiple depositions, dispositive and appellate briefs in New Jersey federal and state courts, and multiple court appearances.

5. Extending the deadline to September 4, 2026, will allow the applicant's counsel sufficient time to carefully research and prepare a petition fully addressing the complex issues surrounding the FDCPA raised by the decision below and framing those issues in a manner most helpful to the Court. Before making this request, counsel has endeavored to comply with the existing deadline. Counsel regrets the need to seek an extension but believes the requested extension of time is necessary to adequately prepare this matter for the Court.

## CONCLUSION

For the foregoing reasons, the applicant respectfully requests that the Court extend the time within which to file a petition for a writ of certiorari in this matter to and including September 4, 2026.

Dated: June 25, 2026

Respectfully submitted,

/s/ Yongmoon Kim

Yongmoon Kim

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*Counsel of Record for Applicant*

*Tariq Elshabba*

## CERTIFICATE OF SERVICE

In compliance with Supreme Court Rules 29.3 and 29.5, I, Yongmoon Kim, counsel of record for the applicant and member of the Bar of this Court, hereby certify that on this 25th day of June 2026, I caused a copy of the foregoing Application for an Extension of Time within which to file a Petition for a Writ of Certiorari, filed in the above-captioned matter, to be served via first-class mail and via electronic mail on the following:

Aaron R. Easley, Esq.  
SESSIONS, ISRAEL & SHARTLE, LLC  
Three Cross Creek Drive  
Flemington, New Jersey 08822  
*Attorneys for Respondent Jefferson Capital Systems, LLC*

June 25, 2026

/s/ Yongmoon Kim  
Yongmoon Kim  
KIM LAW FIRM LLC  
411 Hackensack Avenue, Suite 701  
Hackensack, New Jersey 07601  
  
*Counsel of Record for Applicant*  
*Tariq Elshabba*

# EXHIBIT A

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*Tariq Elshabba v. Jefferson Capital Systems, LLC*

SUPREME COURT OF NEW JERSEY  
C-463 September Term 2025  
090796

Tariq Elshabba, individually  
and on behalf of all others similarly  
situated,

Plaintiff-Petitioner,

v.

O R D E R

Jefferson Capital  
Systems, LLC,

Defendant-Respondent.

A petition for certification of the judgment in A-003046-22  
having been submitted to this Court, and the Court having considered the  
same;

It is ORDERED that the petition for certification is denied, with costs.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at Trenton, this  
6th day of April, 2026.



CLERK OF THE SUPREME COURT

# EXHIBIT B

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*Tariq Elshabba v. Jefferson Capital Systems, LLC*

**NOT FOR PUBLICATION WITHOUT THE  
APPROVAL OF THE APPELLATE DIVISION**

This opinion shall not "constitute precedent or be binding upon any court." Although it is posted on the internet, this opinion is binding only on the parties in the case and its use in other cases is limited. R. 1:36-3.

**SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-3046-22**

TARIQ ELSHABBA, individually  
and on behalf of all others similarly  
situated,

Plaintiff-Appellant,

v.

JEFFERSON CAPITAL  
SYSTEMS, LLC,

Defendant-Respondent.

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Argued March 12, 2025 – Decided May 2, 2025

Before Judges Mayer and Puglisi.

On appeal from the Superior Court of New Jersey, Law  
Division, Passaic County, Docket No. L-1676-21.

Philip D. Stern argued the cause for appellant (Kim  
Law Firm LLC, attorneys; Philip D. Stern and  
Yongmoon Kim, on the briefs).

Aaron R. Easley argued the cause for respondent  
(Sessions Israel and Shartle, LLC, attorneys; Aaron R.  
Easley and Jay I. Brody, on the brief).

## PER CURIAM

Plaintiff Tariq Elshabba, individually and on behalf of all others similarly situated, appeals from the April 26, 2023 Law Division order granting defendant Jefferson Capital Systems, LLC's motion to dismiss plaintiff's complaint for failure to state a claim. We affirm.

Plaintiff incurred a debt and the lender transmitted that debt to defendant, a debt collector. Defendant engaged a third-party letter vendor to draft, print, address and mail a collection letter to plaintiff. The letter included plaintiff's account number, the amount due to the lender and plaintiff's full name and address.

In May 2021, plaintiff filed a single-count purported class action complaint alleging violations of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §§ 1692 to 1692p. Defendant, in lieu of an answer, moved to dismiss the complaint pursuant to Rule 4:6-2(e).

After hearing oral argument, Judge Bruno Mongiardo granted defendant's motion and dismissed the complaint in an April 26, 2023 order accompanied by a thorough and cogent oral decision. Quoting In re Camden County, 170 N.J. 439, 449 (2002), the judge first found plaintiff lacked standing because "there [was] not a . . . 'substantial likelihood' that . . . plaintiff will . . . 'suffer harm in

the event of an unfavorable decision." He further determined plaintiff "[did] not have a . . . 'sufficient stake' in the litigation" nor "real adverseness with respect to the subject matter," and therefore lacked standing to bring the action. The judge nevertheless considered the merits of plaintiff's complaint in the event we disagreed with his standing decision.

In evaluating whether plaintiff sufficiently pleaded a claim for a violation of the FDCPA, the judge noted the plain language of the FDCPA prohibits a debt collector from communicating, "in connection with the collection of a[ny] debt." 15 U.S.C. § 1692c(b). After reviewing the legislative history of the FDCPA, the judge dismissed the claim, reasoning "plaintiff [did] not allege that the vendor misused the information, that the vendor disseminated the information, or even that any individual at the vendor saw the information," but rather plaintiff's conduct was "a benign administrative task" and not the "abusive, harassing, or misleading conduct" Congress intended to prevent by enacting the FDCPA. The motion judge further found "[defendant's] letter is not false, deceptive, or misleading as to the effect of a payment on the enforceability of the debt," and therefore did not violate 15 U.S.C. §§ 1692c, e, or f.

This appeal follows.

We review de novo an order dismissing a complaint for lack of standing. Courier-Post Newspaper v. Cnty. of Camden, 413 N.J. Super. 372, 381 (App. Div. 2010). Rule 4:26-1 provides, "[e]very action may be prosecuted in the name of the real party in interest." Standing requires that "a party must present a sufficient stake in the outcome of the litigation, a real adverseness with respect to the subject matter, and a substantial likelihood that the party will suffer harm in the event of an unfavorable decision." In re Camden Cnty., 170 N.J. at 449.

Because New Jersey takes "a liberal approach to standing," id. at 448, we are persuaded plaintiff established standing to bring this suit. Plaintiff had an interest in litigating the alleged exposure of his personal data to a third party and, if successful, would have been entitled to compensatory damages, as well as attorneys' fees and costs. 15 U.S.C. § 1692k.

In agreeing plaintiff had standing to bring this action, we next consider the motion judge's dismissal of the complaint for failure to state a claim pursuant to Rule 4:6-2(e), which we review de novo. Baskin v. P.C. Richard & Son, LLC, 246 N.J. 157, 171 (2021) (citing Dimitrakopoulos v. Borrus, Goldin, Foley, Vignuolo, Hyman & Stahl, P.C., 237 N.J. 91, 108 (2019)).

In considering a Rule 4:6-2(e) motion, "[a] reviewing court must examine 'the legal sufficiency of the facts alleged on the face of the complaint,' giving

the plaintiff the benefit of 'every reasonable inference of fact.'" Ibid. (quoting Dimitrakopoulos, 237 N.J. at 107). "The essential test [for determining the adequacy of a pleading] is simply 'whether a cause of action is "suggested" by the facts.'" Green v. Morgan Props., 215 N.J. 431, 451-52 (2013) (quoting Printing Mart-Morristown v. Sharp Elecs. Corp., 116 N.J. 739, 746 (1989)). "At this preliminary stage of the litigation the [c]ourt is not concerned with the ability of [the] plaintiff to prove the allegation contained in the complaint." Printing Mart-Morristown, 116 N.J. at 746.

"[I]f the complaint states no claim that supports relief, and discovery will not give rise to such a claim, the action should be dismissed." Dimitrakopoulos, 237 N.J. at 107. "A trial court's interpretation of the law and the legal consequences that flow from established facts are not entitled to any special deference." Manalapan Realty, L.P. v. Twp. Comm. of Manalapan, 140 N.J. 366, 378 (1995).

On appeal, plaintiff largely reprises the same arguments raised before the motion judge: his claims should not be dismissed. We disagree, addressing plaintiff's claims in turn.

In order to establish an FDCPA claim, a plaintiff must demonstrate: (1) the plaintiff is a consumer; (2) the defendant is a debt collector; (3) the

challenged practice involves an attempt to collect a "debt" as defined by the FDCPA; and (4) the defendant violated the FDCPA in attempting to collect the debt. Midland Funding LLC v. Thiel, 446 N.J. Super. 537, 549 (App. Div. 2016) (quoting Douglass v. Convergent Outsourcing, 765 F.3d 299, 303 (3d Cir. 2014)). Here, the motion judge correctly considered legislative intent to determine whether the alleged conduct violated the FDCPA.

In examining the plain meaning of a statute, "the Legislature's intent is paramount and, generally, the statutory language is the best indicator of that intent." Hodges v. Sasil Corp., 189 N.J. 210, 223 (2007). "Statutory words are ascribed their ordinary meaning and are read in context with related provisions, giving sense to the legislation as a whole." Ibid. "Our duty is to construe and apply the statute as enacted." DiProspero v. Penn, 183 N.J. 477, 492 (2005) (quoting In re Closing of Jamesburg High Sch., 83 N.J. 540, 548 (1980)).

Plaintiff alleged defendant's use of a letter vendor to create a debt collection letter was, in and of itself, abusive, deceptive or unfair. In support of his arguments, plaintiff cites out-of-state decisions interpreting the FDCPA. We note "decisions of the federal courts of appeals are not binding on this court," Daniels v. Hollister Co., 440 N.J. Super. 359, 367 n.7 (App. Div. 2015), and therefore decline to address the out-of-jurisdiction cases cited by plaintiff. See

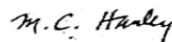
Pressler & Verniero, Current N.J. Court Rules, cmt. 3.5 on R. 1:36-3 (2025) ("On questions of federal constitutional law and statutory law, only decisions of the United States Supreme Court are binding on the courts of this state.").

We concur with the motion judge's determination that defendant's use of a letter vendor was not abusive, deceptive, nor unfair and reject plaintiff's proposed interpretation of the FDCPA as uncritically literal. Defendant's disclosure of debt-related information to a letter vendor was not the type of conduct Congress intended to regulate when it enacted the FDCPA. When viewing plaintiff's complaint and affording him all reasonable inferences of fact, plaintiff did not "genuinely allege" any facts establishing defendant's conduct violated the FDCPA.

To the extent we have not expressly addressed any of plaintiff's remaining issues, it is because they lack sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E).

Affirmed.

I hereby certify that the foregoing is  
a true copy of the original on file in  
my office.



Clerk of the Appellate Division