

No. 26A-_____

IN THE SUPREME COURT OF THE UNITED STATES

RAMON CRUCETA

Applicant, Pro Se

v.

J.C. CANNISTRARO, LLC

Respondent

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

Under Rules 13.5, 22, and 30 of the Rules of this Court

Addressed to the Honorable Ketanji Brown Jackson
Associate Justice and Circuit Justice for the First Circuit

Submitted by:

Ramon Cruceta, Applicant, Pro Se

P.O. Box 831, Burlington, MA 01803

Telephone: (617) 359-2062

Email: crucetaramon@gmail.com

October 15, 2026

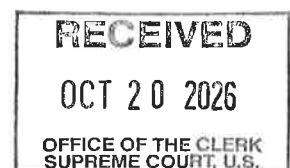


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TABLE OF AUTHORITIES

28 U.S.C. § 1257(a)

Supreme Court Rules 13.1, 13.3, 13.5, 22, 29, 30, 33.2, and 34

APPLICATION AND REQUESTED RELIEF

Applicant Ramon Cruceta, proceeding pro se, respectfully applies under Rules 13.5, 22, and 30 for an extension of time within which to file a petition for a writ of certiorari. The extension is requested solely for Applicant Ramon Cruceta. Applicant asks that the time be extended to and including **December 28, 2026**, sixty days after October 29, 2026, the earliest potentially applicable deadline. This protective request does not concede that October 29 is the controlling deadline under Rule 13.3.

1. Judgment and procedural history

On May 27, 2025, the Massachusetts Superior Court entered summary judgment against Applicant in Middlesex Superior Court No. 2381CV00504. On June 4, 2026, the Massachusetts Appeals Court affirmed in No. 25-P-990 (also docketed as 2025-P-0990). Applicant sought further appellate review in the Supreme Judicial Court of Massachusetts, No. FAR-30974.

The Supreme Judicial Court denied further appellate review on July 31, 2026, as communicated in the Clerk's email notice. Applicant filed a petition or motion for reconsideration on August 10, 2026. On September 15, 2026, the Clerk notified Applicant of the docket entry denying the petition to reconsider the denial of further appellate review. The Appeals Court's memorandum and judgment are included as Appendices A and B. The original SJC email notices are reproduced as Appendices C and D.

2. Jurisdiction and protective deadline

The anticipated petition seeks review under 28 U.S.C. § 1257(a) of the final state-court judgment, including a federal due-process question concerning Applicant's opportunity to be heard during the summary-judgment proceedings. Applicant presented a federal due-process contention to the Massachusetts Appeals Court. The petition will address the question's presentation and preservation, the state appellate disposition, and this Court's jurisdiction.

Under Rule 13.1, ninety days after the July 31, 2026 denial of discretionary review is October 29, 2026. Under Rule 13.3, the deadline may instead run from September 15, 2026 if the reconsideration petition was timely filed or appropriately entertained; ninety days after that date

is December 14, 2026. Applicant reserves that position and requests the extension using October 29 as a protective date.

3. Specific reasons constituting good cause

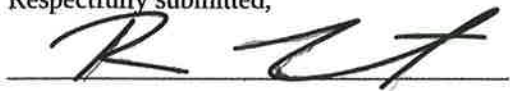
Applicant is unrepresented and must personally prepare, reproduce, and serve a petition that meets this Court's jurisdictional and formatting requirements. The state-court proceedings produced a substantial record involving summary judgment, discovery disputes, a hearing, appellate briefing, further appellate review, and reconsideration.

The contemplated federal question requires careful examination of how the issue was raised in the state courts, especially because the Appeals Court affirmed on a different ground and expressly did not reach the remaining arguments. Additional time is needed to verify record citations and address federal-question preservation and the possibility of an independent state-law ground. The Rule 13.3 effect of the September 15 reconsideration disposition presents a separate procedural issue. This application is made in good faith, not for delay.

4. Conclusion

For these reasons, Applicant respectfully requests an extension to and including **December 28, 2026**, without prejudice to his position that the September 15, 2026 denial of reconsideration supplies a later original deadline under Rule 13.3.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Cruceta', is written over a horizontal line.

Ramon Cruceta, Applicant, Pro Se

P.O. Box 831, Burlington, MA 01803

Telephone: (617) 359-2062 | crucetaramon@gmail.com

Dated: October 15, 2026

DECLARATION OF SERVICE

I, Ramon Cruceta, declare under penalty of perjury that the following is true and correct:

On October 15, 2026, I transmitted a complete copy of this application and its appendices by email to Christopher R. Deubert, Esq., at cdeubert@constangy.com.

On OCTOBER 15, 2026, I also served a complete paper copy by depositing it in the United States mail, postage prepaid, addressed to:

Christopher R. Deubert, Esq. (BBO No. 569124)
CONSTANGY, BROOKS, SMITH & PROPHETE LLP
800 Boylston Street, Suite 1005
Boston, MA 02199
Telephone: (617) 849-7880
Email: cdeubert@constangy.com

I declare under penalty of perjury that the foregoing is true and correct.

Executed on OCTOBER 15, 2026.

A handwritten signature in black ink, appearing to be 'R. Cruceta', written over a horizontal line.

Ramon Cruceta

APPENDIX INDEX

Appendix A — pp. 7–12

Massachusetts Appeals Court, Memorandum and Order Pursuant to
Rule 23.0, No. 25-P-990, entered June 4, 2026.

Appendix B — p. 13

Massachusetts Appeals Court judgment, No. 25-P-990,
dated June 4, 2026.

Appendix C — p. 14

Original email notice from the Massachusetts Supreme Judicial Court
Clerk's Office, dated July 31, 2026, denying further appellate review,
FAR-30974.

Appendix D — p. 15

Original email notice from the Massachusetts Supreme Judicial Court
Clerk's Office, dated September 15, 2026, denying reconsideration
of the denial of further appellate review, FAR-30974.

Appendices C and D reproduce the email notices supplied by Applicant.

NOTICE: Summary decisions issued by the Appeals Court pursuant to M.A.C. Rule 23.0, as appearing in 97 Mass. App. Ct. 1017 (2020) (formerly known as rule 1:28, as amended by 73 Mass. App. Ct. 1001 [2009]), are primarily directed to the parties and, therefore, may not fully address the facts of the case or the panel's decisional rationale. Moreover, such decisions are not circulated to the entire court and, therefore, represent only the views of the panel that decided the case. A summary decision pursuant to rule 23.0 or rule 1:28 issued after February 25, 2008, may be cited for its persuasive value but, because of the limitations noted above, not as binding precedent. See Chace v. Curran, 71 Mass. App. Ct. 258, 260 n.4 (2008).

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

25-P-990

RAMON CRUCETA

vs.

J.C. CANNISTRARO LLC.

MEMORANDUM AND ORDER PURSUANT TO RULE 23.0

In February of 2023, Ramon Cruceta (plaintiff) filed an action against the defendant, J.C. Cannistraro LLC (JCC), in the Superior Court, seeking damages for emotional distress after a data breach at JCC allegedly caused the plaintiff's personal information to be released onto the "dark web." A Superior Court judge allowed JCC's motion for summary judgment in May of 2025 based on the plaintiff's inability to prove the claims or damages identified in his complaint. On appeal, the plaintiff argues that the judge erred by allowing JCC's motion for summary judgment because the case contained genuine disputes of material fact. Because the plaintiff failed to allege, or demonstrate, that he has suffered a nonspeculative, direct injury as a result

of the alleged data breach, we affirm the judge's grant of summary judgment.

Background. "We briefly summarize the basic facts in their light most favorable to [the plaintiff], the nonmoving party, reserving additional facts for later discussion." Sullivan v. Liberty Mut. Ins. Co., 444 Mass. 34, 35 (2005). The plaintiff worked as a pipefitter at JCC between 2015 and June 30, 2020. In or about October of 2020, JCC's information technology manager discovered unusual activity within the company's computer network systems. After an investigation, the company found that its network had been encrypted by ransomware. JCC's firewall vendor, Fortinet, had warned JCC before October 2020 about the possibility of a data breach. Fortinet had already recognized this vulnerability, upgraded its software, and encouraged its customers to install the upgrade for maximum security.

JCC notified its employees of the ransomware attack and potential data breach via e-mail message and posting notice on the company's intranet on October 7, 2020. Because the plaintiff's last day of work at JCC was June 30, 2020, he did not receive that e-mail message, nor did he have access to JCC's intranet. The plaintiff received notice of a potential data

breach in December of 2020, when an Experian¹ alert warned that his social security number had been detected on the dark web.²

The plaintiff filed a complaint alleging that JCC's negligence in failing to maintain and consistently update its firewall software caused the data breach, the theft of his social security number, and its publication on the dark web. The plaintiff also alleged that this publication constituted an invasion of privacy under G. L. c. 214, § 1B, and fraud. The plaintiff alleged that the publication of his social security number on the dark web caused him to suffer emotional distress, anxiety, and constant daily fear of potential for identity theft, privacy loss, and other financial harm. The plaintiff did not allege that the publication of his social security number on the dark web caused him any specific monetary damage or loss.

JCC filed a motion for summary judgment in March of 2025. After a hearing, a judge of the Superior Court allowed JCC's motion, finding that the plaintiff lacked any proof of

¹ Experian is a credit reporting service.

² The term "dark web" refers to encrypted online content that is not indexed by conventional search engines, providing increased anonymity for potential threat actors. See Bloomenthal, Investopedia, Understanding the Dark Web: Privacy, Security, and Legal Concerns, <https://www.investopedia.com/terms/d/dark-web.asp>.

liability, causation, or damages. The judge also found that the plaintiff lacked standing to bring his claims because he failed to allege any nonspeculative injury. The plaintiff timely appealed.

Discussion. We review the judge's grant of summary judgment de novo. See Galenski v. Erving, 471 Mass. 305, 307 (2015). While we view the evidence in the light most favorable to the opposing party, "the opposing party cannot rest on his or her pleadings and mere assertions of disputed facts to defeat the motion for summary judgment." LaLonde v. Eissner, 405 Mass. 207, 209 (1989).

Here, the plaintiff has alleged negligence that caused him emotional distress. The plaintiff's alleged injury is the fact that his social security number appeared on the dark web. He alleges that this caused him severe distress because his private information is accessible to threat actors. While we are sympathetic to the impact of data breaches, this is inadequate to state a claim.

"To prevail on a claim of negligence, 'a plaintiff must prove that the defendant owed the plaintiff a duty of reasonable care, that the defendant breached this duty, that damage resulted, and that there was a causal relation between the breach of the duty and the damage'" (citation omitted). Lev v. Beverly Enters.-Mass., Inc., 457 Mass. 234, 239-240 (2010). A

claim for negligent infliction of emotional distress requires "objective corroboration of the emotional distress alleged." Sullivan v. Boston Gas Co., 414 Mass. 129, 137 (1993), quoting Payton v. Abbott Labs, 386 Mass. 540, 547 (1982). The possibility of future injury, though real, is not enough.

To the extent the plaintiff is alleging negligent infliction of emotional distress, the plaintiff has not presented any "objective corroboration of the emotional distress alleged," such as evidence of physical manifestation of his emotional distress. To the extent that the plaintiff is alleging simple negligence, he has not alleged any cognizable damage, such as monetary loss.

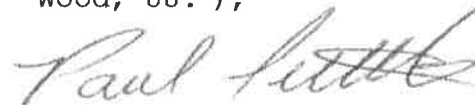
The plaintiff does not mention his claims for invasion of privacy and fraud in his appellate brief. Therefore, he has waived any challenge to summary judgment on these claims.³

³ To the extent that the plaintiff raised challenges to summary judgment on these claims in his reply brief, his arguments "come[] too late." See Boxford v. Massachusetts Highway Dep't, 458 Mass. 596, 605 n.21 (2010) (claim deemed waived when raised for first time in reply brief). Were we to reach the merits, the plaintiff failed to allege that the defendant intended to disseminate his social security number or intended to deceive anyone. See Masingill v. EMC Corp., 449 Mass. 532, 540 (2007) ("To recover for fraudulent misrepresentation, a plaintiff must allege and prove that the defendant made a false representation of a material fact with knowledge of its falsity for the purpose of inducing the plaintiff to act thereon, and that the plaintiff relied upon the representation as true and acted upon it to [her] damage" [quotation and citation omitted]); Hayes v. Mirrick, 378 F. Supp. 3d 109, 116-117 (D. Mass. 2019) (to state claim for

Moreover, viewing the evidence in the light most favorable to the plaintiff, he has not demonstrated that he can prove an essential element of his negligence claim. Accordingly, the judge did not err in granting summary judgment to JCC.^{4,5}

Judgment affirmed.

By the Court (Rubin, Henry &
Wood, JJ.⁶),

A handwritten signature in cursive script, appearing to read "Paul Little".

Clerk

Entered: June 4, 2026.

statutory invasion of privacy, plaintiff must demonstrate that defendant gathered and disseminated facts of private nature).

⁴ Because we resolve the plaintiff's appeal on this ground, we do not reach his other arguments.

⁵ JCC's request for appellate attorney's fees is denied.

⁶ The panelists are listed in order of seniority.

App. 6

Commonwealth of Massachusetts

Appeals Court for the Commonwealth

At Boston

In the case no. 25-P-990

RAMON CRUCETA

vs.

J.C. CANNISTRARO LLC.

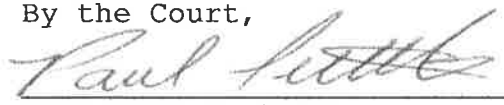
Pending in the Superior

Court for the County of Middlesex

Ordered, that the following entry be made on the docket:

Judgment affirmed.

By the Court,

 , Clerk

Date June 4, 2026.



Ramon Cruceta <crucetaramon@gmail.com>

FAR-30974 - Notice: FAR denied

1 message

SJC Full Court Clerk <SJCCommClerk@sjc.state.ma.us>
To: crucetaramon@gmail.com

Fri, Jul 31, 2026 at 10:00 AM

Supreme Judicial Court for the Commonwealth of Massachusetts

Telephone

RE: Docket No. FAR-30974

RAMON CRUCETA

vs.

J.C. CANNISTRARO LLC

Middlesex Superior Court No. 2381CV00504

A.C. No. 2025-P-0990

NOTICE OF DENIAL OF APPLICATION FOR FURTHER APPELLATE REVIEW

Please take note that on July 31, 2026, the application for further appellate review was denied.

Very truly yours,
The Clerk's Office

Dated: July 31, 2026

To: Ramon Cruceta
Christopher Deubert, Esquire



Ramon Cruceta <crucetaramon@gmail.com>

FAR-30974 - Notice of docket entry

1 message

SJC Full Court Clerk <SJCCommClerk@sjc.state.ma.us>
To: crucetaramon@gmail.com

Tue, Sep 15, 2026 at 4:00 PM

Supreme Judicial Court for the Commonwealth of Massachusetts

RE: No. FAR-30974

RAMON CRUCETA

vs.

J.C. CANNISTRARO LLC

NOTICE OF DOCKET ENTRY

Please take note that the the following entry was made on the docket.

DENIAL of petition to reconsider denial of FAR application.

Very truly yours,

The Clerk's Office

Dated: September 15, 2026

To:

Ramon Cruceta

Christopher Deubert, Esquire

App. 9