

No. ____A____

IN THE
Supreme Court of the United States

SCARLETT PAVLOVICH, *Applicant*,

v.

NEIL GAIMAN, *Respondent*.

APPLICATION TO THE HONORABLE AMY CONEY BARRETT, ASSOCIATE
JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT
JUSTICE FOR THE SEVENTH CIRCUIT, TO EXTEND THE TIME WITHIN WHICH
TO FILE A PETITION FOR A WRIT OF CERTIORARI

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APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR WRIT OF CERTIORARI TO THE SEVENTH CIRCUIT

To the Honorable Amy Coney Barrett, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Seventh Circuit:

Pursuant to Rules 13.5, 22, and 30.2 of the Rules of this Court, Applicant Scarlett Pavlovich respectfully requests that the time within which to file a petition for a writ of certiorari in this matter be extended for sixty days, to and including December 28, 2026.¹ The petition is presently due on October 27, 2026. This application is filed more than ten days before that date. No prior extension has been sought.

Judgment Sought to Be Reviewed

The United States Court of Appeals for the Seventh Circuit entered judgment affirming the dismissal of this action on June 29, 2026. A copy of the opinion is attached as Exhibit 1. Applicant filed a timely petition for panel rehearing and rehearing en banc, which that court denied on July 29, 2026. A copy of the order denying rehearing is attached as Exhibit 2.

¹ The sixtieth day after October 27, 2026, falls on Saturday, December 26, 2026. Applicant therefore requests an extension to the following Monday. See Sup. Ct. R. 30.1.

Jurisdiction

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). Absent an extension, a petition for a writ of certiorari would be due on October 27, 2026. Sup. Ct. R. 13.1, 13.3.

Background

Applicant, a citizen of New Zealand, sued Respondent in the United States District Court for the Western District of Wisconsin, where Respondent resides, asserting claims under the civil-remedy provision of the Trafficking Victims Protection Act, 18 U.S.C. § 1595(a), together with claims under Wisconsin law. The district court dismissed the action on forum non conveniens grounds and did not reach Respondent's alternative argument that § 1595(a) does not apply extraterritorially.

The court of appeals affirmed. It assumed without deciding that § 1595(a) reaches extraterritorial conduct and therefore accepted that Congress has expressed a policy favoring the adjudication of such claims in United States courts. It nevertheless held that principles of international comity—arising from the foreign situs of the conduct and from New Zealand's “less generous” remedial scheme—gave the foreign forum the stronger connection to the dispute.

The petition Applicant intends to file will present the question whether a federal court may dismiss for forum non conveniens on that basis where Congress has extended a federal civil remedy to the extraterritorial conduct sued upon.

Reasons for Granting an Extension

1. A companion appeal presenting the identical question is pending in the First Circuit and is expected to be decided within the requested period.

Applicant also brought suit against Respondent's spouse, who resides in Massachusetts, arising from the same underlying conduct. That action was dismissed on forum non conveniens grounds by the United States District Court for the District of Massachusetts. *Pavlovich v. Palmer*, No. 1:25-cv-10263-NMG, 2026 WL 353496 (D. Mass. Feb. 6, 2026). Applicant's appeal from that judgment is pending before the United States Court of Appeals for the First Circuit. *Pavlovich v. Palmer*, No. 26-1151. Briefing in that appeal was completed on August 14, 2026, and if a decision is forthcoming during the period of the extension requested, that decision will bear directly on the arguments made in the petition.

The First Circuit appeal presents the same forum non conveniens question, on the same underlying facts, arising from the same course of conduct. Its disposition will bear directly on how the question presented here should be framed and on the state of the conflict among the courts of appeals that the petition will describe. The court of appeals below itself relied on the Massachusetts proceeding in resolving this appeal.

Preparing the petition without the benefit of that decision would risk presenting this Court with an incomplete account of the disagreement among the lower courts

and would likely require a supplemental brief under Rule 15.8 once the First Circuit rules. The requested extension would permit Applicant to present the question accurately and in a single filing, which serves both this Court's interest in an orderly record and the parties' interest in avoiding duplicative submissions.

2. Counsel's existing obligations.

Counsel of record has substantial commitments during the current period, including an en banc brief in the Fifth Circuit in Cause No. 24-50564 presently due on October 14, 2026. The requested extension would permit counsel to prepare a petition of the quality the question warrants.

3. No prejudice.

The judgment below dismissed this action without prejudice. Respondent will suffer no prejudice from the requested extension, and the extension will not disturb any proceeding in any court. On September 22, 2026, the undersigned counsel spoke to Mr. Brian T. Fahl, lead counsel for Respondent, via electronic mail. Mr. Fahl opposes this extension.

Conclusion

For the foregoing reasons, Applicant respectfully requests that the time within which to file a petition for a writ of certiorari be extended for sixty days, to and including December 28, 2026.

Respectfully submitted,

/s/ Lane Haygood

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Dated: October 9, 2026