

21-2726

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

**MARC S. KIRSCHNER, solely in his capacity as
Trustee of the Millennium Lender Claim Trust,**

Plaintiff-Appellant,

v.

**JP MORGAN CHASE BANK, N.A., JP MORGAN SECURITIES LLC,
CITIBANK, N.A., BANK OF MONTREAL, BMO CAPITAL MARKETS
CORP., SUNTRUST ROBINSON HUMPHREY, INC., SUNTRUST BANK,
CITIGROUP GLOBAL MARKETS INC.,**

Defendants-Appellees,

CITIBANK GLOBAL MARKETS INC.,

Defendant.

**On Appeal from the United States District Court
for the Southern District of New York, 17-cv-6334 (Hon. Paul G. Gardephe)**

**UNOPPOSED MOTION FOR A 7-DAY EXTENSION OF TIME
TO RESPOND TO THE COURT'S ORDER SOLICITING THE VIEWS OF
THE SECURITIES AND EXCHANGE COMMISSION**

The Securities and Exchange Commission (“Commission”) respectfully requests a 7-day extension of time until July 18, 2023, to file a response to the Court’s order requesting the Commission’s views on what the Court recognized is an important issue with numerous policy implications. The Commission previously requested an extension of the Court’s initial 28-day deadline until June 27, 2023, and then requested another 14-day extension until July 11, 2023, in view of the need to carefully review these complex issues; consult with the Office of the Solicitor General, other federal agencies, the parties, as well as Commission staff; and seek authorization to file any response through a vote by a majority of Commissioners. Dkts. 179, 195. The Court granted these extensions. Dkt. 183, 199.

Since the Court’s June 14, 2023 order granting the Commission until July 11, 2023 to file a response, Commission counsel have continued to coordinate with other Commission staff members in relevant divisions to determine the appropriate response to the Court’s question that should be submitted to the Commission for its consideration and approval. Commission staff may not file an *amicus* brief without approval by a majority of Commissioners, and the additional seven-day extension will allow for adequate time for Commission review and approval. The Commission does not anticipate needing to request any additional extensions of time.

The Commission therefore respectfully requests an extension of time until July 18, 2023, to file an *amicus* brief setting forth its views on the Court's question. Counsel for all parties have informed the Commission that they do not oppose this request, provided the Court likewise extend their time to August 31, 2023, to file responses to the Commission's submission. The Commission consents to this additional relief.

Respectfully submitted,

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Senior Appellate Counsel

MICHAEL A. CONLEY
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/s/ John R. Rady
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June 30, 2023

CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 285 words, excluding the parts exempted by Rule 32(f).

I also certify that this motion complies with the typeface and type-style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E), 32(a)(5), and 32(a)(6) because it has been prepared in a proportionally spaced, Roman-style, 14-point typeface.

/s/ John R. Rady
John R. Rady