

**BEFORE THE UNITED STATES
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

IN RE: Paycheck Protection Program (“PPP”) Agent Fees Litigation

MDL Docket No. 2950

**INTERESTED PARTY MOTION
FOR EXTENSION OF TIME TO RESPOND**

Pursuant to Rule 6.2(e) and 6.3(b) of the Rules of Procedure for the United States Judicial Panel on Multidistrict Litigation, Interested Party Howard Smukler (“Smukler”), plaintiff in the case styled *Howard Smukler et al. v. JPMorgan Chase Bank, N.A. et al*, No. 3:20-cv-3413 (N.D. Cal.), respectfully moves the Panel for an Order extending the time for Smukler to respond to Alliant CPA Group LLC’s Motion for Transfer of Actions to the Northern District of Georgia Under 28 U.S.C. § 1407 for a Coordination and/or Consolidated Proceeding (the “Motion to Transfer”) from June 17, 2020 to June 24, 2020. In support of the instant motion, Smukler states as follows:

1. Smukler filed a Class Action Complaint against JPMorgan Chase Bank, N.A., and JPMorgan Chase & Co. (the “Chase Defendants”) in the Northern District of California on May 20, 2020 (“the *Smukler* Action”).

2. On May 22, 2020, plaintiff in *Alliant CPA Group, LLC v. Bank OZK, et al.*, No. 1:20-cv-02026 filed a Motion to Transfer, seeking to consolidate twelve “Related Actions” into an MDL proceeding in the Northern District of Georgia. (Dkt. 1.) The Motion to Transfer did not identify the *Smukler* Action as one of the Related Actions under consideration for transfer but did serve a copy of the Motion to Transfer on the Chase Defendants. (Dkt. 1-3.) Responses to the Motion to Transfer are currently due on June 17, 2020, and replies are due on June 24, 2020.

3. On June 15, 2020, counsel for the Chase Defendants filed a Notice of Related Action in the pending MDL proceedings, identifying the *Smukler* Action as a potential tag-along action under consideration for transfer. (Dkt. 134.) It appears the Notice of Related Action was sent out for service on counsel for Smukler that same day by U.S. Mail (dkt. 134-4), but at the time of filing this motion, counsel for Smukler had not yet received it.

4. On June 17, 2020, at approximately 4:17 p.m. ET, counsel for Smukler were notified through the Panel's CM/ECF system that the Chase Defendants had filed a response to the Motion to Transfer (dkt. 158) and were thus given notice that the *Smukler* Action had been tagged and the need to file a response by the June 17, 2020 deadline.

5. Smukler seeks to file an Interested Party Response to the Motion to Transfer pursuant to Rule 6.2(e), but requires a brief additional period of time in which to do so given his case was only just identified as under consideration for transfer.

6. Accordingly, Smukler respectfully requests a modest seven (7) day extension of the current deadline such that his response would be due no later than June 24, 2020, in order to prepare an appropriate response that fully addresses the issues presented by the Motion to Transfer.

7. Smukler's requested extension is not made for any improper purpose, such as to cause prejudice or undue delay. Rather, Smukler respectfully submits that he will be prejudiced if the deadline to respond is not extended, given his short notice of the MDL proceedings as they relate to his case.

8. Moreover, the requested extension will not directly interfere with any scheduled hearings, as (to Smukler's knowledge) the Panel has not yet set a date for oral argument on the Motion to Transfer.

WHEREFORE, Smukler respectfully requests that the Panel enter an Order granting him a seven (7) day extension of time, until June 24, 2020, to file a response to the Motion to Transfer.

Respectfully submitted,

HOWARD SMUKLER, individually and on behalf of all other similarly situated individuals.

Date: June 17, 2020

By: /s/ Rafey Balabanian
One of the Interested Party's Attorneys

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