

FILED

JUN 12 2019

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

VALESKA SCHULTZ, <i>et al.</i> ,	)	
	)	
	)	
Plaintiffs,	)	
	)	CASE No. 4:16-cv-1346-JAR
v.	)	
	)	
EDWARD D. JONES & CO., L.P., <i>et al.</i>	)	
	)	
Defendants	)	

**Motion to Extend Time**

Objector-Appellant, Shiyang Huang, requests the Court to grant Motion for an extension of time for filing Notice of Appeal due to excusable neglect, pursuant to Fed. R. App. P. 4(a)(5)(A).

Objector-Appellant’s Notice of Appeal may have missed the deadline, but the reasons fit within the guidelines for “excusable neglect” under *Pioneer Investment Services Co. v. Brunswick Associates, Ltd. Partnership*, 507 U.S. 380, 395 (1992).

1. Objector-Appellant **sent the Notice of Appeal in mail on May 20, 2019**, well before the actual deadline. Delay in filing was not in reasonable control. Objector-Appellant has no ECF access in the U.S. District Court of Eastern Missouri, because Objector-Appellant is not an attorney to qualify for ECF submission as a pro se litigant. Objector-Appellant sent the Notice via U.S. mail, tracking number 9505 5265 4451 9140 5594 93, **Expected Delivery on May 22, 2019**, received on May 23, 2019; **Docket No. 114.**) Objector-Appellant moved promptly after receiving USCA updates on June 7, 2019.
2. The length of the delay has minimal impact to further judicial proceedings and no prejudice to the non-moving party. The Notice of Appeal was actually delivered to the

Court, and Objector-Appellant also separately delivered the **Notice of Appeal to all parties involved via both E-mail on May 20, 2019 and by U.S. first-class mail**, and all parties can be assumed to be reasonably expecting the notice of appeal filing. Further, Objector-Appellant has acted in good faith, both in contacting the District Court and the Court of Appeals for the Eighth Circuit, to seek updates on any and all next steps needed to fulfill the Notice of Appeal requirements.

3. Objector-Appellant most definitely acted in good faith while filing this motion. Objector-Appellant specifically asked if ECF submission was available for a *pro se* non-attorney, because Objector-Appellant preferred to meet deadlines certainly with ECF submission. Without ECF, if the mailing delivered as expected, Objector-Appellant's Notice of Appeal would have been filed timely. Separately, Objector-Appellant also already served all parties with a copy of the Notice of Appeal, both via E-mail on May 20, 2019 and by U.S. mail. These actions shows abundantly the full intention to satisfy all requirements to file a timely notice of appeal.

In Conclusion, Objector-Appellant hereby requests the Court to grant a motion for an extension of time to file a Notice of Appeal. Granting this motion due to reasonable neglect is fair given the circumstances beyond reasonable control under non-electronic submissions, and all parties are not prejudiced as a result.

Dated: June 8, 2019

Respectfully Submitted,

/s/ Shiyang Huang  
Shiyang Huang (Pro Se)

**CERTIFICATE OF SERVICE**

I certify that a copy of this Notice was served upon on all counsel of record registered, to the Court's address via physical mail, and all registered counsels below via E-mail.

Gregory Y. Porter  
Bailey & Glasser LLP  
1055 Thomas Jefferson Street NW, Suite 540,  
Washington, DC 20007

Mark G. Boyko  
Bailey & Glasser, LLP  
8012 Bonhomme Ave. Suite 300  
St. Louis, MO 63105  
Telephone: (314) 863-5446  
Facsimile: (314) 863-5483  
Email: mboyko@baileyglasser.com

Thomas J. Kavalier  
Cahill Gordon & Reindel LLP  
80 Pine Street  
New York, NY 10005-1702  
Telephone: (212) 701-3406  
Facsimile: (212) 378-2230  
Email: tkavalier@cahill.com

James F. Bennett  
Dowd Bennett LLP  
7733 Forsyth Blvd. Suite 1900  
St. Louis, MO 63105  
Telephone: (314) 889-7302  
Facsimile: (314) 378-2230  
Email: jrbennett@dowdbennett.com

/s/ Shiyang Huang  
Shiyang Huang

**United States Court of Appeals**

***For The Eighth Circuit***

Thomas F. Bagleton U.S. Courthouse  
111 South 10th Street, Room 24.329

**St. Louis, Missouri 63102**

**Michael E. Gans**  
*Clerk of Court*

**VOICE (314) 244-2400**  
**FAX (314) 244-2780**  
**[www.ca8.uscourts.gov](http://www.ca8.uscourts.gov)**

June 07, 2019

Shiyang Huang  
2800 S.W. Engler Court  
Topeka, KS 66614

RE: 19-2158 Charlene McDonald, et al v. Edward D. Jones & Co., et al

Dear Counsel:

The district court has transmitted a notice of appeal in this matter, and we have docketed it under the caption and case number shown above. Please include the caption and the case number on all correspondence or pleadings submitted to this court.

Counsel in the case must supply the clerk with an Appearance Form. Counsel may download or fill out an Appearance Form on the "Forms" page on our web site at [www.ca8.uscourts.gov](http://www.ca8.uscourts.gov).

We note the docketing fee for the appeal has not been paid. Please pay the \$505 docketing and filing fees to the district court clerk immediately. Failure to pay the fee will result in the issuance of an order to show cause why this appeal should not be dismissed.

In reviewing the file, we note that the notice of appeal appears to be untimely. Rule 4 of the Federal Rules of Appellate Procedure requires that a notice of appeal be filed within 30 days after entry of the judgment or order being appealed. The notice of appeal in this case does not appear to have been filed within that time.

We bring this matter to your attention so that you may remedy the situation and meet the jurisdictional requirements for the appeal. Federal Rule of Appellate Procedure 4(a)(5) permits the filing of a motion for an extension of time to file a notice of appeal. The motion should be filed within 30 days after expiration of the period for filing a timely notice of appeal. The motion must establish excusable neglect or good cause for the late filing. Please note that this motion for leave to file a late notice of appeal must be addressed to the district court. The court of appeals has no authority under the rules to permit a late notice of appeal.

If you agree with our analysis, please file your motion with the district court and provide our office with a copy. If you file such a motion, further proceedings in this court will be stayed until the district court enters an order on the motion. If you disagree with our preliminary analysis of the procedural posture of the case, please provide a written statement explaining the basis for your disagreement and establishing the court's jurisdiction. This statement should be filed within seven days of the date of this letter.

No briefing schedule will be established until this jurisdictional issue is resolved and you pay the \$505 docketing and filing fees.

On June 1, 2007, the Eighth Circuit implemented the appellate version of CM/ECF. Electronic filing is now mandatory for attorneys and voluntary for pro se litigants proceeding without an attorney. Information about electronic filing can be found at the court's web site [www.ca8.uscourts.gov](http://www.ca8.uscourts.gov). In order to become an authorized Eighth Circuit filer, you must register with the PACER Service Center at <https://www.pacer.gov/psco/cgi-bin/cmecf/ea-regform.pl>. Questions about CM/ECF may be addressed to the Clerk's office.

Michael E. Gans  
Clerk of Court

RLS

Enclosure(s)

cc: Mr. Jeffrey Russell Baron  
Mr. James F. Bennett  
Mr. Mark G. Boyko  
Mr. Philip Allen Cantwell  
Mr. James E. Crowe III  
Mr. Mark K. Gyandoh  
Mr. Robert A. Izard  
Mr. Thomas J. Kavalier  
Mr. Gregory J. Linhares  
Mr. Douglas Patrick Needham  
Ms. Lisa Marie Paczkowski  
Mr. Gregory Y. Porter  
Ms. Julie E. Siebert-Johnson  
Mr. Jonathan D. Thier

District Court/Agency Case Number(s): 4:16-cv-01346-JAR

EXPECTED DELIVERY DAY: 05/22/19

USPS TRACKING NUMBER



9505 5265 4451 9140 5594 93

CPU



U.S. POSTAGE \$7.35

PRFL 0006  
Orig: 64088  
05/20/19  
11096465  
06 2 S

SS FIRMLY TO SEAL



PRIORITY MAIL

...e of delivery specified\*  
...S TRACKING™ included to many major  
...national destinations.  
...ted international insurance.  
...up available.\*  
...r supplies online.\*  
...n used internationally, a customs  
...ration label may be required.  
...mestic only



To schedule free Package Pickup, scan the QR code.



FROM:

Shiyang Huang  
2800 SW ENGLER CT  
TOPEKA KS 66614

RECEIVED  
JUN 03 2019  
BY MAIL

TO:

US DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI

RE: 4-16-CV-01346  
110 S 10TH ST



SHIYANG HUANG  
2800 SW ENGLER CT  
TOPEKA KS 66614

S SUBURBAN ILSM

10 JUN 2019 PM 3 L



RECEIVED  
JUN 12 2019  
BY MAIL

US DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
RE= 4:16-CV-01346  
110 S 10TH ST  
ST LOUIS, MO 63102

6310289999

