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IN THE SUPREME COURT OF THE UNITED STATES

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KENNETH CAREY AND STEVE ANYADIKE,  
Appellants, Counter Defendants and Plaintiffs

v.

JONATHAN KIRK aka DaBaby  
Defendant, Counter Claimant, Appellee,

And

BILLION DOLLAR BABY ENTERTAINMENT, LLC  
UNIVERSAL MUSIC GROUP, INC. AND  
INTERSCOPE RECORDS  
Defendants, Appellees

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Seeking Certiorari from the United States District Court  
For the Southern District of Florida No. 1:21-cv-20408-JEM-JM and  
The Eleventh Circuit Court of Appeals No. 23-10308

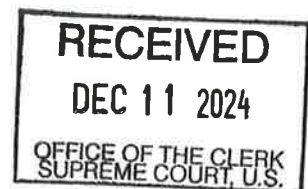
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**PLAINTIFFS/APPELLANT'S MOTION FOR EXTENSION OF TIME FOR 60  
DAYS TO FILE THE PETITION FOR WRIT OF CERTIORARI**

*JEM*

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## CERTIFICATE OF INTERESTED PERSONS

1. Becker & Poliakoff, P.A. (Defendant Law Firm)
2. Billion Dollar Baby Entertainment LLC (Appellee)
3. Brian Bieber (Defendant's Attorney)
4. Drew Findling (Defendant's Attorney)
5. Darren Mitchell Goldman (Defendant's Attorney)
6. Derrick Morales Esq (Plaintiff's Trial Attorney)
7. Derrick C. Morales P.A. (Law firm of Plaintiff Trial Attorney)
8. Evan Benjamin (Defendant's Attorney)
9. Gray Robinson, P.A. (Defendant Law Firm)
10. Interscope Records (Appellee)
11. Jacqueline Becerra, The Honorable Magistrate Judge ( Magistrate Judge)
12. Jonathan Kirk aka DaBaby (Appellee)
13. Jonathan May Esq (Plaintiff's Attorney)
14. Jose E. Martinez, The Honorable Judge (District Court Judge)
15. Kenneth Carey (Appellant)
16. Kevin Markow (Defendant's Attorney)
17. Nwahiri Law PLLC (Law firm of Plaintiff Trial Attorney)
18. Steve Anyadike (Appellant)
19. Scott Cagan (Defendant's Attorney)
20. The Findling Law Firm (Defendant Law Firm)
21. The Lions' Den, Attorneys at Law PLLC (Law Firm Plaintiffs)

22. Tobechuku Nwahiri Esq (Plaintiff's Trial Attorney)
23. Universal Music Group B.V. (Interested Corporate Party)
24. Universal Music Group Inc. (Appellee)
25. Universal Music Group N.V. (UMG.AS Europe) (UMGNF:US Nasdaq) (UMG.EN Amsterdam) (UMG-NL Euronext) (Interested Corporate Party)
26. Universal Music Group Recordings Inc. (Interested Corporate Party)
27. Zach Kelehear (Defendant's Attorney)

**PLAINTIFFS/APPELLANT'S MOTION FOR EXTENSION OF TIME FOR 60  
DAYS TO FILE THE PETITION FOR WRIT OF CERTIORARI**

Comes Now, Plaintiffs/Appellants seek an additional 60 days to file their Petition for Writ of Certiorari for the following reasons:

1. Counsel for Plaintiffs/ Appellants grandmother died on November 17<sup>th</sup>, 2024 with the funeral being on December 5<sup>th</sup>, 2024. There were delays with time for mourning, in addition to dealing and assisting with family matters, travel and other associated challenges, all while sick.
2. Counsel for Plaintiff had been sick with strep throat/sore throat (the doctor thought it was strep throat but determined not to test for it because the treatment would be the same whether it was strep or not) since around November 6<sup>th</sup>, 2024 and currently is on antibiotic medication.
3. Counsel for Plaintiff is seeking admission to the United States Supreme Court and has had challenges getting sponsorship because he was not aware of attorneys that he personally knew despite a very diligent search. However, he has now received one sponsor and has the potential for two others, of which one is currently reviewing the Motions for Sanctions against him with regards to this case. Counsel has not had any bar complaints or sanctions issued against him in 10.5 years of practice prior to this case.
4. This is his first Supreme Court filing and the time needed to attempt to comply with all of the unfamiliar procedure and rules.

This Motion was not served prior to 10 days prior to the due date for the Petition for Writ of Certiorari, which is effectively due on December 9<sup>th</sup>, 2024, due to the due date falling on a Saturday of December 7<sup>th</sup>, 2024 (Rule 30(1)). Motions filed after the 10 days prior to the due date are disfavored and permitted in extraordinary circumstances. I plead with this honorable Court that the death of an immediate family member, coupled with strep throat is an extraordinary circumstance. I further suggest that an extension will not prejudice Defendants in any way. They have been able to move forward on their Motion for Sanctions in the District Court based on the issues to be presented in our future brief. If an extension of 60 days is not granted, can Plaintiffs have as much time as this Court will allow?

Respectfully submitted,

By: /s/ Jonathan May Esq.

Florida Bar No. 0110057

The Lions' Den, Attorneys at Law

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Miami FL 33131

(305) 699-5466

jm@tldaal.com and jd@tldaal.com

*Attorney for Appellants/Plaintiffs Kenneth Carey  
and Steve Anyadike*

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 7<sup>th</sup>, 2024, I emailed the following to opposing counsel.

By: /s/ Jonathan May Esq.

Florida Bar No. 0110057

**CERTIFICATE OF WORD AND FORMAT COMPLAINE**

This Motion is 364 words and the typeface is Century Schoolbook and the font is 12-point with 2.0 spacing (Rule 33). The original and ten copies are provided in compliance with Rule 21. This Motion is directed to Clarence Thomas, over the Eleventh Circuit as required by Rule 21 and Rule 30(3).

Rule 33 (h) Requirement of notarization:

“I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on December 7<sup>th</sup>, 2024 and signed

Jon May

State of ~~Florida~~ Texas

Hays <sup>12/07/2024</sup>

County of ~~Miami Dade County~~

Signed and sworn (or affirmed) to before me on December 7<sup>th</sup>, 2024 by Jonathan May.

Notary Seal

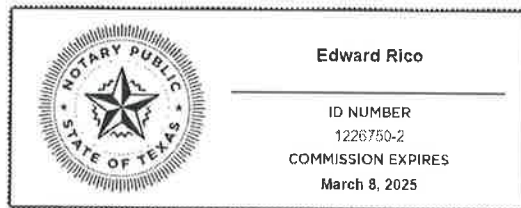
Edward Rico  
Notary Type Name

Edward Rico

Notary Print Name

Electronically signed and notarized online using the Proof platform.

This is an online notary and Jonathan May presented his driver’s license.



By: /s/ Jonathan May Esq.

Florida Bar No. 0110057

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 23-10308

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KENNETH CAREY,  
STEVE ANYADIKE,

Plaintiffs-Counter Defendants-Appellants,

*versus*

JONATHAN KIRK,  
Individually, a.k.a. DaBaby,

Defendant-Counter Claimant-Appellee,

KHALIK CALDWELL,  
a.k.a. Stunna 4 Vegas, et al.,

Defendants,

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Order of the Court

23-10308

BILLION DOLLAR BABY ENTERTAINMENT, LLC,  
a North Carolina Corporation,  
UNIVERSAL MUSIC GROUP, INC.,  
a Colorado Corporation,  
INTERSCOPE RECORDS,  
a Colorado Corporation,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Florida  
D.C. Docket No. 1:21-cv-20408-JEM

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ON PETITION(S) FOR REHEARING AND PETITION(S) FOR  
REHEARING EN BANC

Before WILSON, GRANT, and LAGOA, Circuit Judges.

PER CURIAM:

The Petition for Rehearing En Banc is DENIED, no judge in regular active service on the Court having requested that the Court be polled on rehearing en banc. FRAP 35. The Petition for Rehearing En Banc is also treated as a Petition for Rehearing before the panel and is DENIED. FRAP 35, IOP 2.



[DO NOT PUBLISH]

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United States Court of Appeals  
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Plaintiffs-Counter Defendants-Appellants,

*versus*

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Defendant-Counter Claimant-Appellee,

KHALIK CALDWELL,  
a.k.a. Stunna 4 Vegas, et al.,

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2

Opinion of the Court

23-10308

BILLION DOLLAR BABY ENTERTAINMENT, LLC,  
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Appeal from the United States District Court  
for the Southern District of Florida  
D.C. Docket No. 1:21-cv-20408-JEM

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Before WILSON, GRANT, and LAGOA, Circuit Judges.

PER CURIAM:

Plaintiffs-Appellants Kenneth Carey and Steve Anyadike appeal the district court's<sup>1</sup> summary judgment rulings and final judgment in favor of Defendants-Appellees Jonathan Kirk, Billion Dollar Baby Entertainment, LLC (BDBE), Universal Music Group, Inc.

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<sup>1</sup> The trial for this case was scheduled before District Judge Jose E. Martinez. All discovery and related motions were referred to Magistrate Judge Jacqueline Becerra. These lower court decisions are collectively referred to as the district court.

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(UMGI), and Interscope Records. Plaintiffs timely filed a notice of appeal and raised the following issues:

- I. Whether the district court erred in granting UMGI's and Interscope Records' motions to dismiss for lack of personal jurisdiction and insufficient service of process.
- II. Whether the district court abused its discretion in ruling on Plaintiffs' discovery-related motions and denying Plaintiffs' requests to supplement the record with new evidence after the close of discovery and summary judgment briefing.
- III. Whether the district court erred in its partial granting of Kirk's and BDBE's motion for summary judgment.
- IV. Whether the district court erred in its evidentiary rulings concerning the admissibility of video evidence, an arrest report, and arrest warrant.

After thorough review and consideration of the briefs and record, and with the benefit of oral argument, we find no reversible error.

Beginning with the first issue, we find that the district court properly dismissed both UMGI and Interscope Records. The district court found that it lacked specific jurisdiction over UMGI because Plaintiffs failed to make sufficient allegations according to Florida Statute § 48.193(1)(a)(1). *See Snow v. DirecTV, Inc.*, 450 F.3d

1314, 1317–18 (11th Cir. 2006). Meanwhile, the district court found strong and convincing evidence of insufficient service of process with regards to Interscope Records. Fed. R. Civ. P. 12(b)(5).

Nor do we find reversible error in reviewing the district court’s discovery-related rulings.<sup>2</sup> District courts retain “broad discretion over the management of pre-trial activities, including discovery and scheduling.” *Johnson v. Bd. of Regents of Univ. of Ga.*, 263 F.3d 1234, 1269 (11th Cir. 2001). The district court provided numerous reasons in support of its rulings, including that Plaintiffs failed to comply with local rules and abide by discovery deadlines and rules. Considering the record, we find the district court clearly did not abuse its discretion.

As to Kirk’s and BDBE’s motions for summary judgment, a de novo review supports affirming the district court. *See Seamon v. Remington Arms Co.*, 813 F.3d 983, 987 (11th Cir. 2016). Plaintiffs took a kitchen sink approach, throwing every possible allegation at Kirk and BDBE, and cited little case law in doing so. We thus affirm the district court here as well.

Finally, the district court did not abuse its discretion in its evidentiary rulings. *See Wright v. CSX Transp., Inc.*, 375 F.3d 1252, 1260 (11th Cir. 2004) (per curiam). A review of the record shows

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<sup>2</sup> Within this issue, Plaintiffs challenge the denial of deposition requests. We find the district court’s courts rulings appropriate here as the identified persons were not parties to this suit. Additionally, Plaintiffs did not establish, nor does the record support finding, that the desired testimony would have proven relevant to this dispute.

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that the district court provided a fair and proper reason in making each of its rulings.

Accordingly, we affirm the well-reasoned decisions of the district court.

**AFFIRMED.**<sup>3</sup>

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<sup>3</sup> Sanctions pursuant to 28 U.S.C. § 1927 may be granted where counsel engages in “unreasonable and vexatious conduct.” *Schwartz v. Millon Air, Inc.*, 341 F.3d 1220, 1225 (11th Cir. 2003). The conduct must be “so egregious that is it tantamount to bad faith.” *Peer v. Lewis*, 606 F.3d 1306, 1314 (11th Cir. 2010) (quotation omitted). Here, while we do not condone the quality of the briefing provided by Plaintiffs’ counsel, we decline to find that this case warrants sanctions on appeal. Thus, we **DENY** Kirk’s and BDBE’s motion for sanctions.