

In the
Supreme Court of the United States

LEMON BAY COVE, LLC,

Petitioner,

v.

UNITED STATES,

Respondent.

**On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Federal Circuit**

**APPLICATION TO THE HONORABLE JOHN G. ROBERTS, JR.,
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

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Counsel for Petitioner Lemon Bay Cove, LLC

To the Honorable John G. Roberts, Jr., Chief Justice of the Supreme Court of the United States and Circuit Justice for the Federal Circuit:

Pursuant to Supreme Court Rule 13.5, Petitioner Lemon Bay Cove, LLC, respectfully requests an extension of time of 24 days to file its Petition for a Writ of Certiorari in this Court up to and including August 2, 2024.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *Lemon Bay Cove, LLC v. United States*, No. 2022-2242, 2024 WL 959732 (Fed. Cir. Mar. 6, 2024) (attached as Exhibit 1). The judgment was issued on March 6, 2024. Petitioner's first application for an extension of time was granted on May 13, extending the deadline by which to file a Petition to July 9, 2024. This application for an extension of time is filed more than ten days in advance of that date.

JURISDICTION

This case arises under the Fifth Amendment to the United States Constitution and the Tucker Act, 28 U.S.C. § 1491. The district court had original jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1491(a)(1). The Court of Appeals had appellate jurisdiction under 28 U.S.C. § 1295(a)(3). This Court has jurisdiction under 28 U.S.C. § 1254(1).

REASONS FOR GRANTING EXTENSION OF TIME

Good cause exists for the requested extension. Counsel of record for Petitioner, Christopher Kieser, has a substantial workload in the period leading up to the current

due date. Counsel is counsel of record in this Court for Petitioner in *Boston Parent Coalition for Academic Excellence Corp. v. School Committee of City of Boston*, No. 23-1137. The petition for a writ of certiorari in that case was docketed on April 19, 2024, and although the response was initially due on May 20, Respondents received an extension and the responses were filed on June 20. Counsel is responsible for drafting Petitioner's reply brief. Additionally, counsel represents Judy's Moody, LLC, in the Maine Supreme Judicial Court in a pending appeal in *Masucci v. Judy's Moody, LLC*, No. Cum-24-82. Judy's Moody's primary appellee brief is due on August 2. Counsel has also been preparing a complaint to be filed in federal court in New Mexico within the next week in a case that raises substantial constitutional questions. In addition to counsel's typical obligations, these matters will occupy a substantial portion of time. Thus, additional time would greatly assist counsel in preparing an effective petition in this case.

This is Petitioner's second request for an extension of time. Respondent United States does not oppose the requested extension. The total extension time would remain within the rules at 59 days. Sup. Ct. Rule 13.5.

CONCLUSION

For the foregoing reasons, Petitioner requests that this Court grant an extension of an additional 24 days, up to and including August 2, 2024, within which to file a Petition for a Writ of Certiorari.

DATED: June 21, 2024.

Respectfully submitted,

Christopher M. Kieser

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CERTIFICATE OF SERVICE

A copy of this application was served via email and U.S. mail to counsel listed below in accordance with Supreme Court Rules 22.2 and 29.3:

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DATED: June 21, 2024.


CHRISTOPHER M. KIESER
Counsel for Petitioner

EXHIBIT 1

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

LEMON BAY COVE, LLC,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2022-2242

Appeal from the United States Court of Federal Claims
in No. 1:17-cv-00436-MCW, Senior Judge Mary Ellen Cos-
ter Williams.

JUDGMENT

DAVID SMOLKER, Smolker Mathews, LLP, Tampa, FL,
argued for plaintiff-appellant.

ANDREW MARSHALL BERNIE, Environment & Natural
Resources Division, United States Department of Justice,
Washington, DC, argued for defendant-appellee. Also rep-
resented by MICHAEL THOMAS GRAY, THEKLA HANSEN-
YOUNG, TODD KIM, BENJAMIN RICHMOND.

CHRISTOPHER M. KIESER, Pacific Legal Foundation,

Sacramento, CA, for amicus curiae Pacific Legal Founda-
tion.

THIS CAUSE having been heard and considered, it is
ORDERED and ADJUDGED:

PER CURIAM (MOORE, *Chief Judge*, CLEVINGER and
CHEN, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

March 6, 2024
Date



Jarrett B. Perlow
Clerk of Court