

No. _____

In the
Supreme Court of the United States

MOUNT CLEMENS RECREATIONAL BOWL, INC., K.M.I., Inc., and Mirage
Catering, Inc., Individually and on Behalf of All Others Similarly Situated,

Petitioners,

v.

Elizabeth HERTEL, in her official capacity as Director of the Michigan Department
of Health and Human Services, Kristin Beltzer, in her official capacity as Chair of
the Michigan Liquor Control Commission, and Gretchen Whitmer, in her official
capacity as Governor of the State of Michigan,

Respondents.

**On Petition for Writ of Certiorari
to the Michigan Court of Appeals**

**APPLICATION TO THE HONORABLE BRETT M. KAVANAUGH
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO
THE MICHIGAN COURT OF APPEALS**

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Counsel for Petitioners

To the Honorable Brett M. Kavanaugh, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Sixth Circuit Court of Appeals and encompassing states, including Michigan:

Pursuant to Supreme Court Rule 13.5, Petitioners Mt. Clemens Recreational Bowl, Inc., KMI, Inc., and Mirage Catering, Inc., respectfully request an extension of time of 49 days to file their Petition for a Writ of Certiorari in this Court up to and including January 15, 2025.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *Mount Clemens Recreational Bowl, Inc., et al. v. Dir. of Dep't of Health & Hum. Servs.*, 998 N.W.2d 917 (Mich. App. 2022) (attached as Exhibit 1). Judgment was entered on November 17, 2022. The Michigan Supreme Court denied leave for review on August 30, 2024. *Mount Clemens Recreational Bowl, Inc. v. Dir. of Dep't of Health & Hum. Servs.*, 10 N.W.3d 453 (Mich. 2024) (attached as Exhibit 2). The current deadline within which to file a Petition for Writ of Certiorari is November 28, 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 and Fourteenth Amendments to the United States Constitution, and the equivalent protection under Michigan Const. art X, § 2. Specifically, the Petitioners allege that a regulation enacted by the Respondents took private property without just compensation. Under *Penn Cent. Transp. Co. v. City of New York*, 438 U.S. 104 (1978), the economic impact upon Petitioners and the

interference with their reasonable investment backed expectations weighed in favor of finding a regulatory taking. Nonetheless, the Michigan Court of Appeals dismissed the Petitioners' regulatory takings claim and the Michigan Supreme Court denied review over the dissent of two Justices. This Court has jurisdiction over the decision of the Michigan Court of Appeals pursuant to 28 U.S.C. § 1257.

REASONS FOR GRANTING EXTENSION OF TIME

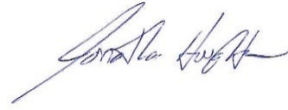
Good cause exists for the requested extension. Pacific Legal Foundation attorneys were retained to represent the Petitioners within the last week. Consequently, Petitioners' Counsel of Record, Jonathan Houghton, requires extra time to file a Petition in this case in order to fully review the entire record below, craft the petition, and meet other deadlines and professional obligations. This is the Petitioners' first request for an extension of time.

CONCLUSION

For the foregoing reasons, Petitioners request that this Court grant an extension of 49 days, up to and including January 15, 2025, within which to file a Petition for a Writ of Certiorari.

DATED: October 25, 2024.

Respectfully submitted,



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