

No. _____

In the
Supreme Court of the United States

The Gym 24/7 Fitness, LLC,

Petitioner,

v.

State of Michigan,

Respondent.

**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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The Gym 24/7 Fitness, LLC

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, Petitioner The Gym 24/7 Fitness, LLC, respectfully requests an extension of time of 49 days to file its 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 *Gym 24/7 Fitness, LLC v. State*, 989 N.W.2d 844 (Mich. App. 2022) (attached as Exhibit 1). Judgment was entered on March 31, 2022. The Michigan Supreme Court denied leave for review on August 30, 2024. *Gym 24/7 Fitness, LLC v. State of Michigan*, 10 N.W.3d 443 (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. The Gym 24/7 Fitness alleges that a regulation enacted by the State of Michigan took private property without just compensation. The Michigan Court of Appeals evaluated the claim pursuant to *Penn Cent. Transp. Co. v. City of New York*, 438 U.S. 104 (1978), and found that the economic impact upon Petitioner and the interference with its reasonable investment backed expectations weighed in favor of finding a

regulatory taking. Nonetheless, the Michigan Court of Appeals dismissed the Petitioner's regulatory takings claim and the Michigan Supreme Court denied review over the written 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 Petitioner within the last week. Consequently, Petitioner's 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 Petitioner's first request for an extension of time.

CONCLUSION

For the foregoing reasons, Petitioner requests 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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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: October 25, 2024.



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