

**In the Supreme Court of the United States**

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KINGSTON KOHR, LLC,

*Petitioner,*

v.

CITY OF IRVINE,

*Respondents.*

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**APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO  
PETITION FOR A WRIT OF CERTIORARI TO THE CALIFORNIA  
COURT OF APPEAL  
FOURTH APPELLATE DISTRICT, DIVISION THREE**

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Application to the Honorable Elena Kagan, as Circuit Justice for the Ninth  
Circuit, California

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Pursuant to Supreme Court Rule 13.5, Applicant Kingston Kohr, LLC requests a forty-day extension of time, to and including March 10, 2025,<sup>1</sup> within which to file a petition for a writ of certiorari.

1. The decision below is *City of Irvine v. Kingston Kohr, LLC*, California Court of Appeal case no. G061805 and California Supreme Court No. S286652. The California Court of Appeal issued its opinion on February 15, 2023 (App. A) and the California Supreme Court issued its denial of petition for review on October 30, 2024 (App. B). Unless extended, Applicant's time to seek certiorari in this Court expires January 28, 2025. Applicant is filing this application at least ten days before that date. S. Ct. R.

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<sup>1</sup> The forty-day mark falls on Sunday, March 9; March 10 is the next business day.

13.5. This Court's jurisdiction would be invoked under 28 U.S.C. § 1257(a). Respondent does not object to this extension request.

2. Applicant was given the choice to repair or demolish its fire-damaged building. But when applicant elected to demolish, the City insisted on performing the demolition itself. The trial court then granted the City a warrant to enter and demolish the building. The Court of Appeal concluded that Kingston "has failed to show that, once a property owner has agreed to demolition and opted not to repair, demolition by the City is a taking subject to constitutional scrutiny."

3. Good cause exists for a forty-day extension within which to file a petition.

a. This Court has previously struck down a similar demolition and building permit condition struck down in *Nollan v. California Coastal Commission* (1987) 483 U.S. 825. This case involves clarifying the constitutional rights of a property owner in controlling her own demolitions. This will become a recurring flashpoint following the ongoing devastating California wildfires. An extension of time will help to ensure that the petition thoroughly presents the important federal issues raised by the California courts.

b. An extension is further warranted because undersigned counsel was only retained today to petition for writ of certiorari. Applicant has conveyed that it was trying to negotiate with respondent City of Irvine and waited as long as possible for that reason. Accordingly, additional time is necessary for counsel to research and draft the petition.

c. The request is further justified by counsel's press of business on other pending matters that was worsened by the impact of the recent California wildfires. In addition to a full California state appellate practice,

Counsel has an opening brief coming due in the Ninth Circuit and is working on two petitions for writ of certiorari due at the beginning of next month.

The requested 40-day extension would cause no prejudice to Respondent, as the property was already demolished.

Respectfully submitted,

/s/ David Zarmi

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