#25-_____

IN THE SUPREME COURT OF THE UNITED STATES

R-Ranch Property Owners' Association, et al.,

Plaintiff, Cross-Defendants, and Respondents,

v.

Art Bullock, James Goguen, et al.,

Defendants, Cross-Complainants, and Petitioners

Application For Extension of Time To File Petition For Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

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To the Honorable Elena Kagan, Associate Justice Of The United States Supreme Court and Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

Pursuant to Supreme Court Rule 13.5, Applicants Bullock and Goguen respectfully request a 60-day extension of time, to and including May 30, 2025, to file Petition For Writ Of Certiorari.

The California Court of Appeal (CoA), Third Appellate District (3DCA), issued its decision on 9/9/24. Apx. A. 3DCA denied our timely petition for rehearing on 9/26/24. Apx. B.

California Supreme Court (CSC) denied Petition For Review on 12/31/24. Apx. C.

This Court would have jurisdiction over this case under 28 USC §1257(a).

Absent extension of time, Petition For Writ Of Certiorari would be due March 31, 2025.

Per Rule 13.5, this application is filed 10 days before that date, showing the most extraordinary medical circumstances that are potentially fatal to Applicant James Goguen.

Per Rule 29.4(c), 28 USC §2403(b) may apply, so this document was served on California Attorney General Rob Bonta. Per Rule 29.5, all required parties have been served.

Per Rule 29.4(c) and 28 USC §2403(b), to our knowledge, neither 3DCA nor CSC certified to California Attorney General that constitutionality of CSC-enacted rules was drawn into question.

Reasons To Grant Application

1. Stare decisis is the most fundamental judicial concept in American jurisprudence.

When a court decides a dispute, its decision is the law. This Court explained.

> {T}he very concept of the rule of law underlying our own Constitution requires such continuity over time that a respect for precedent is, by definition, indispensable. *Planned Parenthood v. Casey*, 505 U.S. 833, 854 (1992).

The 1904 Calif. Constitutional Amendment created Courts of Appeal, and authorized and required California Supreme Court (CSC) to enact rules governing appellate procedures.

The 1926 Constitutional Amendment gave that authority and responsibility to the Amendment-created Judicial Council Of California (JCC), composed of 2 CSC justices, 3 Court of Appeal (CoA) justices, 10 Superior Court judges, 4 attorneys, and 2 legislators, one from each house. JCC sets court rules for all courts, including Supreme Court. Cal. Const. Art. VI,§6(a).

The 1928 Constitutional Amendment removed all Supreme Court authority and responsibility to enact appellate court rules, which has continued since then.

In 1974, CSC ignored the constitutional removal of its appellate rule-making authority and unilaterally enacted a series of rules, repeatedly amended in the last half-century, barring citation in all courts to cases CoA had designated as unpublished. CRC.8.1100-1125 (Title 8, Div.7).

Under stare decisis, CSC has barred all lower courts from reviewing its decisions. *Auto Equity Sales v. S.C.*, 57 Cal.2d 450 (1962). Stare decisis is not a designated exception to the "don't-cite rule", even when the prior case is for the same corporation suing its members under the same determinative law and facts, as here. Thus CRC.8.1115(a-b) barred Defendants from

even raising the unconstitutional-rule issue before any court other than CSC, which we did.

After losing constitutional authority to enact appellate rules, CSC enacted rules eviscerating stare decisis, barred all lower courts form reviewing those rules, then denied its own review of the rules' undisputed unconstitutionality, thereby preventing any review by any California court.

Thus, this court's review is required to protect stare decisis and rule of law from CSC's no-authority rules blocking stare decisis even for the same corporation suing its members with the same determinative law and facts, with the corporation advancing the losing side of the argument that it had won in a prior unpublished appellate case that is stare decisis, as here.

2. This case presents a fundamental question of federal law left open by this Court's *Boddie v. Connecticut*, 401 U.S. 371 (1971) (*Boddie***) and its forebears/progeny (*Boddie***-caseline).

*Boddie***375-378 held that the 14th Amendment Due Process Clause barred a court from exercising its monopoly power over dispute-resolution outside society-defined boundaries for that court, to ensure judicial-system integrity for social stability and justice to each individual.

*Boddie***-caseline left open the question of how a court should accomplish its fundamental jurisdiction task, especially when jurisdiction facts and law are unclear or disputed.

Our Petitions and Motion to CSC advanced such a corrective procedure.

CSC has repeatedly adopted *Boddie***-caseline, which overlays CSC's caseline of *Abelleira v. Dist. Court of Appeal*, 17 Cal.2d 280 (1941). That caseline established that when fundamental jurisdiction is questioned at any stage of proceedings, the court must, on its own motion, review its fundamental jurisdiction to act, and not take judicial action until it completes that review.

A third CSC caseline, *Lewis & Queen v. N. M. Ball Sons*, 48 Cal.2d 141 (1957) repeatedly held that when a party sues to enforce an illegal contract, as here, and that illegality is discovered anywhere in the proceedings, the court must stop, conduct its own fact-finding

investigation, and return parties to the position where the court them on Complaint filing Day 1, so no party can gain power (corporate takeover here) or money (attorney fees) by abusing the judicial system, as our corporate attorneys did here when they sued their board-majority clients.

Justices Roberts, Thomas, Alito, and Scalia described our situation.

> *SCRAP*** became emblematic not of the looseness of Article III standing requirements, but of how utterly manipulable they are if not taken seriously as a matter of judicial self-restraint. *SCRAP*** made standing seem a lawyer's game, rather than a fundamental limitation ensuring that courts function as courts{.} Ftn.2. *Massachusetts v. EPA*, 549 U.S. 497, 548 (2006). Dissent by Justices Roberts, Thomas, Alito, and Scalia. *SCRAP*** is *U.S. v. Students Challenging Regulatory Agency Procedures* 412 U.S. 669 (1973).

Our extreme case shows why this court must stop fundamental-jurisdiction abuse to protect judicial-system integrity and "to maintain an ordered society that is also just." *Boddie***375.

Applicants are democratically-elected corporate directors whose corporate-attorneys advised then sued its board-majority clients on the subjects of the advice, because one outvoted director asked them to, without ethics-required attorneys' written disclosures of undisclosed-conflicts-of-interest (UCIs) and adverse-representation--and clients' written consent-waivers, to enforce an undisputedly illegal-contract, secretly signed as a "corporate contract" by an individual with no corporate authority to do so, to hold his own corporate "recall" election without the corporation's foreknowledge or involvement, violating well-established ethics laws and corporate governing documents for democratic elections.

3. A 60-day extension is medically needed due to Goguen's recent potentially-fatal medical episodes of loss of consciousness, seizures, unexplained debilitating headaches, hospitalizations, repeated intensive testing, and surgery. Diagnostic attempts discovered last week a malignant cancer tumor partially blocking Mr. Goguen's throat. Neither radiation nor surgery is possible due to the tumor's closeness to living active tissue, nerves, and blood supply necessary to eat, swallow, and breathe. A large specialist team of cardiologists, neurologists, eye-ear-nose-throat

specialists, oncologists, surgeons, general practitioners, etc. have been feverishly doing blood tests, surgically implanting a permanent heart monitor, MRIs, etc. No treatment plan has yet been decided for the tumor. Causes for the medical episodes are still undiagnosed.

To stay alive, Mr.Goguen must be able to manage his participation within the limits of his pain, physical stamina, mental clarity, and doctor/hospital visits. As documented to 3DCA/CSC, 30 years of cancer research found that stress by itself does not cause cancer, though if cancer is present, stress causes cancer to grow rapidly. That's the situation here. Goguen needs 60 days to recover and manage his stress to survive this potentially-fatal new-tumor cancer diagnosis.

Applicants, duly elected corporate directors, have worked together throughout this case, to file coordinated and/or joint filings to improve judicial economy and reduce needless repetition.

Applicants have been unable to work together and with their respective attorneys to finalize the Petition due to Mr. Goguen's inability to participate except for a few minutes at a time.

Goguen's ability to communicate with anyone has been severely limited to lack of physical energy and stamina, reduced mental clarity, speech-impairments due to his strokes last month, and tumor pressing on his throat. His daughter, who can understand his speech best, often has to tell doctors what Mr. Goguen is saying. Time extension will allow the pains-taking communication with attorneys and Bullock to finalize the Petition.

4. We know of no prejudice to any Respondent or Attorney General by this extension.

Per Rule 29.5 and 28 USC §1746, on the date below, each of us declares under penalty of perjury that the foregoing facts are true and correct.

Dated: 3/21/25

Respectfully submitted,

Art Bullock
in propria persona

James A. Goguen
in propria persona