

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

BENJAMIN PAUL KEKONA AND TAMAE M. KEKONA,

Respondents-Plaintiffs-Appellees,

vs.

MICHAEL BORNEMANN,

Petitioner-Defendant-Appellant,

and

PAZ FENG ABASTILLAS, also known as Paz A. Richter, ROBERT A. SMITH, personally,
ROBERT A. SMITH, Attorney At Law, A Law Corporation, STANDARD MANAGEMENT,
INC., U.S. BANCORP MORTGAGE COMPANY, an Oregon Company, WESTERN SURETY
COMPANY, Sued herein as Doe Entity 1,

Respondents-Defendants-Appellants,

and

JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS 1-10; DOE ENTITIES 1-10;

Respondents-Defendants-Appellants.

**APPLICATION FOR EXTENSION OF TIME TO
FILE A PETITION FOR A WRIT OF CERTIORARI**

EXHIBITS A - C

CERTIFICATE OF SERVICE

STARN O'TOOLE MARCUS & FISHER
A Law Corporation

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Attorney for Petitioner-Defendant-Appellant
Michael Bornemann

TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE NINTH CIRCUIT:


Pursuant to Supreme Court Rules 13.5, 22 and 30, Petitioner-Defendant-Appellant Michael Bornemann (“**Bornemann**” or “**Petitioner**”) respectfully requests a 60-day extension of time, up to and including September 1, 2019, to file a petition for a writ of certiorari to the Supreme Court of the United States to review the Supreme Court of the State of Hawaii’s Order Rejecting Petitioner’s Application for Writ of Certiorari in *Kekona. v. Bornemann*, SCWC Nos. 16-0000679 & SCWC 16-0000782 (attached as Exhibit A), seeking review of portions of the Memorandum Opinion of the Intermediate Court of Appeals of the State of Hawaii (“**ICA**”), filed November 30, 2018, and related Judgment, attached hereto as Exhibits B (“**Memorandum Opinion**”) and C.

The Petitioner intends to file a petition seeking review of this Memorandum Opinion and related Judgment under Supreme Court Rule 12. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1), and the time to file a petition for a writ of certiorari will expire without an extension on July 3, 2019. This application, filed by Petitioner from both of the cases consolidated by the ICA, is timely because it has been filed more than ten days prior to the date on which the time for filing the petition is to expire.

The case *sub judice* spans nearly thirty (30) years and tens of thousands of pages in the appellate record. In light of the size of the record, in addition to competing client matters in the intervening time period from when the Memorandum Opinion was issued, undersigned counsel, along with appellate co-counsel, respectfully need the additional time to properly prepare the Petition on behalf of Bornemann.

For the above-stated reasons, Bornemann respectfully requests that this Court grant this Application and that an order be entered extending the time to file a petition for writ of certiorari for 60 days, up to and including September 1, 2019.

DATED: Honolulu, Hawaii, June 21, 2019.


TERENCE J. O'TOOLE
Attorney for Petitioner-Defendant-Appellant
MICHAEL BORNEMANN