

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

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INDIEZONE, INC. and EOBUY, LIMITED,

*Petitioners,*

CONOR FENNELLY, CEO and  
DOUGLAS RICHARD DOLLINGER, Counsel,

*Petitioners,*

v.

TODD ROOKE; et al.,

*Respondents.*

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**Application For Enlargement Of The Word  
Court For Rehearing On Writ Of Certiorari To  
The United States Court Of Appeals For The  
Ninth Circuit to 4,500 Words**

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*Counsel for Petitioners*

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**Petitioners' Application To Enlarge Word Count  
To 4,500 Rehearing Petition For A Writ Of Certiorari**

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**To the Honorable Elena Kagan, as Circuit Justice for the  
United States Court of Appeals for the Ninth Circuit:**

Petitioners, Indiezone, Ltd a domestic corporation formed under Delaware law, eoBuy Licensing Ltd a company duly formed under the laws of Ireland as the proposed substitute plaintiff and the assignee eoBuy Ltd, the assignor, a defunct Irish company and former plaintiff, their CEO, Conor Fennelly and their Attorney, Douglas R. Dollinger, each respectfully request an enlargement to the allotted word count from 3,000 words to 4,500 words on their request for rehearing their Petition for a Writ of Certiorari in this matter. The Court denied the Writ on October 29, 2018. Petitioners request for rehearing is due on November 23, 2018.

**Reasons For Granting A Word Count Enlargement**

The word count enlargement to 4,500 words for rehearing the Petition for Certiorari should be granted for these reasons:

1. The matters for rehearing before the Court involve the Ninth Circuit's decision on jurisdictional question under 28 U.S.C. § 1291 and the Court's departure from collateral order doctrine rule, the established rules of law and mandates issued by this Court. The question of review involves the fundamental principles concerning the authority of the Court to hear an appeal where the district court order is ambiguous concerning whether it is final and

appealable involving multiple Rule 60(b) and 60(d)(1) & (3) motions without first issuing a mandate for clarity of the order when applying the collateral document rule.

2. The decision violates the collateral document rule and associated jurisdictional limitations for review. It is also in conflict with the standard of review to be applied on a *sus sponte* recall of the Circuit Court for a claim of fraud on the court. Petitioners are seeking an order GVR as to the rulings.

3. Seeking rehearing by this Court in this matter is necessary because the brief requires integration the individual petitioner's claims. Clarity can only be accomplished through the enlargement of the word count. This case is uniquely important and complex relative to the limited case law available among the Circuit's and requires a mandate to clarifying the issues for circuit uniform application of the laws and rules at issue. Because the issue does not have the same effect on each Petitioner, additional word count is necessary to address issues individually.

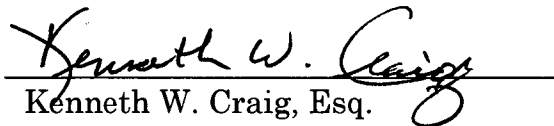
4. There is at minimum a substantial likelihood that this Court will grant rehearing and, indeed, a substantial probability of reversal and remand.

5. No meaningful prejudice to the Respondents will result from the enlargement but would allow the Petitioners to provide individual arguments as in several cases the arguments for separate Petitioners are different from the others related to the absence of clarity in the Court's review.

### Conclusion

For the foregoing reasons, the enlargement of the word count for rehearing the Writ of Certiorari in this matter should be granted to include the word increase of up to 4,500 words.

Respectfully submitted,

A handwritten signature in black ink, reading "Kenneth W. Craig", is written over a horizontal line.

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November 16, 2018

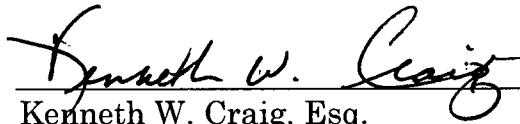
I, Kenneth W. Craig, hereby certify a copy of the foregoing Application For Enlargement Of The Word Count For Rehearing On Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit to 4,500 Words, was sent via next day service to the U.S. Supreme Court and via priority mail and email to the parties listed below, this 16<sup>th</sup> day of November, 2018.

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