

IN THE
SUPREME COURT OF UNITED STATES

NAORA BEN-DOV,
Plaintiff/Appellant,

v.

SHOSHANA ZELDA SRAGOW (aka STACY SUZANNE SRAGOW),
ALLEN PHILIP SRAGOW,
TAMAR MIRIAM BRETON,
Defendants/Respondents

After Decision by the Ninth Circuit Court of Appeals

Ninth Circuit Court Case No. 17-56807
U.S. District Court for Central CA, Santa Ana Case No. 8:17-cv-00122-DFM

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

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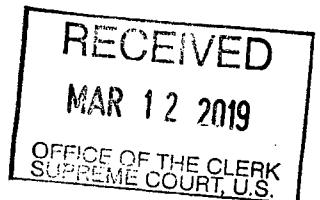


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SUMMARY

TO the Honorable Justice Elana Kagen, as Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

Applicant-Plaintiff Naora Ben-Dov respectfully requests an extension of time to file a petition for certiorari. Sup. Ct. R. 13.5. The earliest deadline for Applicant to file her petition is Monday, April 8, 2019, which is ninety days from Tuesday, January 8, 2019, the date when the Ninth Circuit Court issued their rehearing paperwork. For good cause set forth herein, Applicant asks that this deadline be extended by sixty days so that the new deadline would be Friday, June 7, 2019.

BACKGROUND

This is a civil action involving multiple claims brought under an aggregation of actions. Plaintiff Naora Ben-Dov alleges that Defendants Shoshana Z. Sragow, Tamar M. Breton and Allen P. Sragow violated California's financial elder abuse laws along with concealment of behavior and fraudulent activities in an attempt to avoid detection and prosecution. Beginning after the applicant's father passed away on October 5, 2013, S. Sragow removed applicant's sister from the decedent's residence and denied Ben-Dov and sister from entering or removing items from the apartment under the guise of being in charge of the premises. Applicant did not question the motives or behavior due to Defendant S. Sragow and Breton having stated they were in charge and the local rabbi having concurred by telephone.

The consistent concealment of fraudulent behavior after the apartment was cleared by Defendants - two of which are attorneys - and the distancing of themselves when questioned by Applicant and a detective, delayed Ben-Dov from discovering that anything was amiss. Applicant was further delayed by Probate Court while filing a Petition for Administrator to be allowed by law to review

1 decedent's paperwork and personal information. The Petition for Administrator
2 was formalized in July 2014 and allowed Applicant the ability to start discovery
3 and detection of the full extent of the fraud.

4 Plaintiff filed her original complaint for accounting and declaratory relief
5 in the Superior Court of the State of California, in Orange County on December 2,
6 2016, against Defendant S. Sragow. Plaintiff's complaint alleged Breach of
7 Trustee Duty, Fraud, Elder Abuse and Conversion, Fraudulent Misrepresentation
8 and Fraudulent Concealment, and Unjust Enrichment.

9 On January 24, 2017, Defendant S. Sragow, a resident of the State of New
10 Jersey, filed a Notice of Removal to Federal Court under 28 U.S.C. §§ 1332, 1441,
11 1446. This Court granted removal on January 26, 2017.

12 On March 1, 2017, Defendant S. Sragow filed a motion to dismiss. On May
13 8, 2017, the court allowed Plaintiff leave to amend her complaint. On June 12,
14 2017, the Plaintiff filed a first amended complaint against Defendant S. Sragow.

15 On June 26, 2017, Defendant S. Sragow filed a motion to dismiss which
16 was subsequently denied thereafter by Judge James V. Selna for failure to follow
17 Local Rule 7-3.

18 On June 30, 2017, Plaintiff filed an Ex Parte notice requesting per Judge
19 James V. Selna's rules to be allowed to extend his allotted time to add defendants
20 previously listed as DOEs. On July 5, 2017, Judge James V. Selna granted that
21 requested and allowed sixty (60) days to amend and file to include parties.

22 On August 7, 2017, both parties met for only a joint conference with Judge
23 James V. Selna to discuss the joint report and trial date. The case was migrated
24 during the conference to be presided over by Magistrate Judge Douglas F.
25 McCormick

26 On August 23, 2017, Plaintiff filed a Second Amended Complaint and
27 included two (2) additional defendants, Mr. Allen P. Sragow and Mrs. Tamar M.
28 Breton. That evening, Mr. Allen P. Sragow, sent an email threatening sanctions
against Plaintiff if the paperwork wasn't immediately withdrawn.

On September 6, 2017, Defendant filed a Motion for Summary Judgment or Dismissal.

On September 19, 2017, Mr. Allen P. Sragow, acting in Pro Se and as counsel for Defendant Tamar Breton, filed a Motion for Summary Judgment or Dismissal.

On September 27, 2017, Mr. Allen P. Sragow filed a Motion for Sanctions on both his behalf as Pro Se and as counsel for Defendant Tamar Breton.

On September 28, 2017, Plaintiff filed an Application for Default against Defendants Allen P. Sragow and Tamar Breton for failure to file a response within the timeframe allowed by the court. On September 29, 2017, Plaintiff filed a Motion for Default against Defendants Allen P. Sragow and Tamar Breton for failure to file a response within the timeframe allowed by the court. On October 4, 2017, Magistrate Judge Douglas F. McCormick denied Plaintiff's Application and subsequent Motion for Default against Defendants Allen P. Sragow and Tamar Breton.

On October 17, 2017, both parties appeared before Magistrate Judge Douglas F. McCormick for a hearing on the Motion for Summary Judgment or Dismissal filed by Defendant Shoshana Z. Sragow. Magistrate Judge Douglas F. McCormick denied any other paperwork stating the additional defendants were not added within the statute. Judge McCormick stated that the tentative would be the court's decision on the motion paperwork.

On November 3, 2017, Magistrate Judge Douglas F. McCormick granted the Motion for Summary Judgment for Defendant Shoshana Z. Sragow.

On November 3, 2017, Magistrate Judge Douglas F. McCormick denied the Motion for Sanctions against Plaintiff on the grounds that Plaintiff was within her legal right per Judge James V. Selna's orders to add defendants.

On December 4, 2017, Plaintiff filed paperwork requesting an appeal of the motion to the Ninth Circuit Court.

1 Plaintiff filed a timely appeal with the Ninth Circuit on April 11th, 2018. On
2 August 15, 2018, the Ninth Circuit affirmed the lower court decision. Plaintiff
3 thereafter filed a request for a rehearing on September 4, 2018.

4 On January 8, 2019, the Ninth Circuit denied the petition for a rehearing.

5 ARGUMENT

6 Recognizing that an extension of the time for the filing of a petition for certiorari
7 requires good cause and that requests for extensions of time are not favored, Ben-
8 Dov respectfully asks Justice Elena Kagen to extend the time for Ben-Dov to file a
9 petition for certiorari. Ben-Dov requests that the deadline be extended by sixty
10 days, so that the new deadline would be Friday, June 7, 2019. To establish good
11 cause for her request, Ben-Dov makes the following four arguments in favor of
12 extending the deadline.

14 First, Ben-Dov's application satisfies the express procedural requirements
15 of Supreme Court Rule 14.5. This Court would have subject matter jurisdiction to
16 hear Ben-Dov's petition for a writ of certiorari because Ben-Dov asserts claims
17 under RLUIPA and the Free Exercise and Due Process Clauses of the
18 Constitution, which provide federal question jurisdiction. This Court would also
19 have appellate jurisdiction to hear Ben-Dov's petition for a writ of certiorari
20 because Ben-Dov timely filed a petition for rehearing, which the Ninth Circuit
21 denied and Ben-Dov now seeks to timely file a petition for writ of certiorari.

22 The judgment that Ben-Dov seeks to review is the Ninth Circuit's August
23 2018 decision, which affirmed the District Court's order. And Ben-Dov has
24 included a copy of both the August 23, 2018 decision (Exhibit A to this
25 Application) affirming the District Court's order and the January 8, 2019 decision
26 (Exhibit B to this Application) denying Ben-Dov's timely petition for rehearing.

27 Ben-Dov files this application more than ten days before the date her
28 petition is due because, as of now and without any extension, Ben-Dov's petition

would be due on April 8, 2019. Ben-Dov also asks for an extension of time only for herself, as no other party has need to file a petition for writ of certiorari.

Second, Ben-Dov has good cause for her application because she is representing herself as Pro Per and has no legal assistance or manner of performing research outside of her own ability. Ben-Dov has understood from the beginning of the filing in this matter that she has undertaken an enormous responsibility with self-representation. Ben-Dov is wishing to continue her self-representation and perform the duties expected of a Pro Per litigant with the same groundwork and requirements any court would have of a licensed attorney.

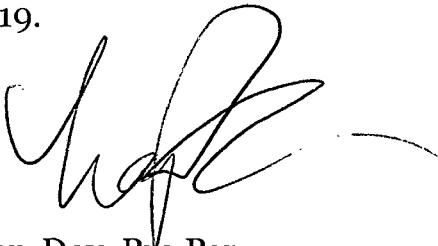
Third, Ben-Dov has good cause for her application having made specific and studied decision both as to the decision to file a petition for a writ of certiorari and to ask for an extension of time. As to the decision to file a petition for a writ of certiorari, Ben-Dov can certify that this petition will raise important questions that this Court should address. Indeed, as Ben-Dov expressly certified in her petition for rehearing, the Ninth Circuit's decision is contrary to their own decisions regarding similar matters that caused those cases to be remanded back to the lower courts. Ben-Dov does so in this case only because she feels that it is particularly warranted and only after first trying to prepare the petition without needing to request an extension.

Fourth, and finally, there would be no unfair prejudice if the Court were to grant Ben-Dov's extension. This is a civil action for damages involving multiple violations that occurred during the time period on and after October 5, 2013. There is no pressing event that would be affected by a sixty-day extension of time for filing a petition for a writ of certiorari. Meanwhile, Ben-Dov has timely pursued her rights and has attempted to discover all fraud, which due to its nature, took months to piece the puzzle together to properly bring forth her complaint.

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CONCLUSION

1 For those reasons, Ben-Dov respectfully asks Justice Kagen, as Circuit
2 Justice for the Ninth Circuit, to extend the time for Ben-Dov to file a petition for
3 writ of certiorari. Ben-Dov requests that the deadline be extended by sixty days,
4 so that the new deadline would be Friday, June 7, 2019.

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6 March 5, 2019
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Signed: 

Naora Ben-Dov, Pro Per