

No. _____

In The
Supreme Court of the United States

CERVANTES ORCHARDS & VINEYARDS, LLC, CERVANTES NURSERIES, LLC, CERVANTES PACKING & STORAGE, LLC, MANCHEGO REAL, LLC, all Washington limited liability corporations; JOSE G. CERVANTES, individually and as his separate property; DEAN BROWNING WEBB and SCOTT ERIK STAFNE, as individuals,
Applicants/Appellants,

—v.—

DEERE & COMPANY, a corporation; DEERE CREDIT, INC., a corporation; JOHN DEERE CAPITAL CORPORATION, a corporation; JOHN DEERE FINANCIAL, a corporation, FKA FPC FINANCIAL; DEERE CREDIT SERVICES, INC., a corporation; AMERICAN WEST BANK, a corporation; T-16 MANAGEMENT CO, LTD., a Washington corporation; GARY JOHNSON, individually and upon behalf of their community property marital estate; LINDA JOHNSON, individually and upon behalf of their community property marital estate; ROBERT WYLES, individually and upon behalf of their community property marital estate; MICHELLE WYLES, individually and upon behalf of their community property marital estate; NW MANAGEMENT REALTY SERVICES, INC., a Washington corporation, AKA Northwest Farm Management Company; SKBHC HOLDINGS LLC, a Washington limited liability corporation,
Respondents/Defendants.

ON APPEAL FROM THE NINTH CIRCUIT COURT OF APPEALS

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

To the Honorable Elana Kagan,
Associate Justice of the United States Supreme Court and Circuit Justice for the
Ninth Circuit

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Attorney for Applicants Cervantes Orchards and Vineyards LLC; Cervantes Nurseries LLC; Cervantes Packing & Storage LLC; Manchego Real LLC, Jose G. Cervantes and Dean Browning Webb

TO the Honorable Elana Kagan, Associate Justice of the United States Supreme Court and Circuit Justice for the Ninth Circuit:

Applicant-Respondents, Cervantes Orchards & Vineyards, LLC, Cervantes Nurseries, LLC, Cervantes Packing & Storage LLC, Manchego Real LLC, Jose G. Cervantes, individually and on behalf of his separate estate, and Dean Browning Webb, an individual ("Applicants") respectfully request an extension of time to file a petition for *Writ of Certiorari*. Sup. Ct. R. 13.5. The earliest deadline for Applicants to file their petition is Friday, October 4, 2019, which is ninety days from Friday, July 5, 2019, the date when the Ninth Circuit Court of Appeals issued their order denying Applicants Petition for Rehearing/Rehearing *En Banc*. Pursuant to Sup. Ct. Rules 13.5 and 30.2, this Application is being filed more than 10 days before the *Writ of Certiorari* is due. For the reasons provided below, Applicants respectfully ask that this deadline be extended by sixty (60) days making the new deadline Tuesday, December 3, 2019.

JURISDICTION

This Court has jurisdiction to review the Opinion and Order of United States Court of Appeals for the Ninth Circuit pursuant to 28 USC §1254(1). The Ninth Circuit's memorandum opinion was filed on May 22, 2019¹ and Applicants'

¹ This action arises out of two appeals consolidated by the Ninth Circuit Court of Appeals (Nos. 15-35675 and 16-35220). The original appeal was filed on August 1, 2016. On December 15, 2017 the Ninth Circuit issued their order affirming in part, Vacated in part and Remanded back to the lower court. This action bifurcated the consolidated appeal in

Petition for Rehearing and Rehearing *En Banc* was denied on July 5, 2019.

The subject matter of this appeal is predicated from the entry of both the order of dismissal with prejudice, and the judgment by the US District Court for the Eastern District of Washington, as final and appealable pursuant to Title 28 United States Code § 1291 and Title 18 United States Code § 1964(c).

REASONS EXTENSION IS JUSTIFIED

The Applicants respectfully request a 60-day extension of time in which to file a joint *Writ of Certiorari* as this is a complex case in which the appeals were originally consolidated by the 9th Circuit only to be bifurcated later on after the Court's December 15, 2017 decision that remanded only one part of the overall case. Applicants believe the extension is justified for the following reasons:

1. Counsel would not normally request a 60-day extension, however, the merits issues and the sanctions issues are inextricably intertwined. The petition for *Writ of Certiorari* will address the merits issues which subsumes the sanctions issues. The inclusion of this material is critically important, and the separation of the merits issues from the sanctions issues by the Ninth Circuit, forced Applicants to have to separate and re-craft the arguments to be presented. These arguments now have to be

which the merits issues and the sanction issues are intertwined. A subsequent petition for Rehearing/Rehearing *En Banc* was denied on March 5, 2018. The remanded portion of the Appeal relating to the sanctions issue was sent back to the US District Court for the Eastern District of Washington for further review with the US District Court re-issuing the order of Sanctions March 28, 2018. This Order was then appealed to the Ninth Circuit (No. 18-35366) on May 2, 2018. The Ninth Circuit issued their Order May 22, 2019 and denied Applicants Petition for a Rehearing/Rehearing *En Banc* on July 5, 2019.

consolidated and refined to meet the 9000 word requirement of this Court. Applicants have endeavored do so, however due to the complexity of this case it is believed that more time will be necessary to ensure Applicants provide the most compelling arguments.

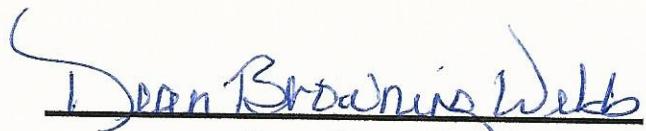
2. Change of Counsel. The Ninth Circuit Appeals were managed and crafted by Scott E. Stafne, Esq. and Dean Browning Webb Esq. Mr. Stafne has only recently informed Applicants that he will not be participating in their *Writ* due to other commitments. This was not previously conveyed to, or anticipated by, Applicants. This places Mr. Webb as the sole remaining Counsel who will have the entire burden of research and drafting of the *Writ of Certiorari*. While Mr. Webb is generally familiar with all the aspects of the case, he was, and had previously been, reliant upon Mr. Stafne for his knowledge of specific issues of the case. The additional time being requested will allow Mr. Webb time to complete his independent review and research, and to craft those arguments that previously were the responsibility others.
3. Challenges with Resources. Mr. Webb is now the sole counsel for the Applicants and his practice is as a sole proprietor. He has no additional staff and the Applicants are of limited resources. Applicants have engaged an assistant who has experience and can assist Mr. Webb in the preparation of the Writ and Appendix. It will, however, require additional time to compile and format the materials to meet the requirements of the

Court, and while this work had begun, a family health emergency occurred which had put the Assistant's husband in the hospital and required extensive surgery. As of September 21, he has been released to go home. This request for additional time will allow the Assistant time to provide care for her husband, while continuing work on the compilation and formatting of the Appendix and *Writ of Certiorari*, in addition to compiling the required 40 booklets required by the court.

CONCLUSION

It is known and understood that the Court does not normally look upon requests for extension favorably, however, due to foregoing reasons and Applicants good faith efforts to comply with the deadline, Applicants respectfully request that this Court grant this application for an extension of time to file their petition for *Writ of Certiorari*.

Respectfully Submitted,



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