

No. \_\_\_\_\_

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**In The  
Supreme Court of The United States**

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**LMP SERVICES, INC.,**

*Petitioner,*

**v.**

**THE CITY OF CHICAGO, ILLINOIS,**

*Respondent.*

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***ON APPLICATION FOR EXTENSION OF TIME TO FILE  
PETITION FOR WRIT OF CERTIORARI TO THE  
ILLINOIS SUPREME COURT***

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**PETITIONER'S APPLICATION TO EXTEND TIME TO  
FILE PETITION FOR WRIT OF CERTIORARI**

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\**Counsel of Record*

*Counsel for Petitioner*

To the Honorable Brett M. Kavanaugh, as Circuit Justice for the United States Court of Appeals for the Seventh Circuit:

Petitioner LMP Services, Inc.<sup>1</sup> respectfully requests, under Supreme Court Rule 13.5, that the time to file a Petition for a Writ of Certiorari be extended for 30 days to and including September 20, 2019. On May 23, 2019, the Illinois Supreme Court entered an opinion and judgment denying Petitioner relief on its claim that Chicago's restriction on operating a mobile food vendor within 200 feet of any ground-floor restaurant violated due process. In that same opinion and judgment, the Illinois Supreme Court concluded that Chicago's requirement that mobile food vendors equip, install, and operate Global Positioning System (GPS) tracking devices to enforce that "200-foot ban" did not constitute a search for purposes of the Fourth Amendment to the U.S. Constitution and Article I, Section 6 of the Illinois Constitution. Copies of that opinion below are attached hereto as Exhibit 1.

The United States Supreme Court now has jurisdiction to review a Petition for a Writ of Certiorari under 28 U.S.C. § 1254(1) and Supreme Court Rule 10. The Petition for a Writ of Certiorari is presently due on August 21, 2019. Petitioner files this Application at least ten days before that date. *See* S. Ct. R. 13.5.

#### **REASONS FOR GRANTING AN EXTENSION OF TIME**

The time to file a Petition for a Writ of Certiorari should be extended for 30 days for the following reasons:

1. Lead counsel for Petitioner, Robert P. Frommer, has been the principal attorney litigating this matter since its beginning in November 2012. Mr. Frommer is currently preparing a petition for certiorari to the Maryland Court of Appeals in another mobile vending case entitled *Pizza di Joey, LLC v. Mayor & City Council of Baltimore*. Additionally, Mr. Frommer is

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<sup>1</sup> LMP Services, Inc. has no parent, subsidiary, or affiliate entities that have issued stock or debt securities to the public, and no publicly held entity owns 10% or more of its stock. LMP Services, Inc. is wholly owned by Laura Pekarik.

scheduled to prepare for and conduct a trial in a First Amendment case before the Eastern District of Virginia, which is scheduled to occur less than two weeks before the Petition is currently due. Additionally, Mr. Frommer will be preparing for a preliminary injunction hearing in another First Amendment case before the District of North Dakota, which is scheduled to occur at the end of July. All of these prior commitments prevent him from properly preparing a Petition for a Writ of Certiorari between now and August 21, 2019.

### **CONCLUSION**

For the foregoing reasons, Petitioner respectfully requests that the time to file a Petition for a Writ of Certiorari in this matter be extended 30 days to and including September 20, 2019.

Respectfully submitted,



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July 11, 2019

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