

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

PETER KLEIDMAN

Petitioner,

vs.

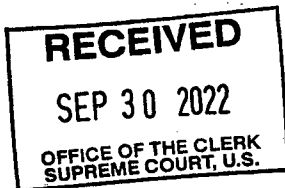
RFF FAMILY PARTNERSHIP, L.P.,

Respondent.

On Petition for a Writ of Certiorari to Review the Decision
of the Supreme Court of California

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

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To the Honorable Elena Kagan, Associate Justice of the Supreme Court,
Circuit Justice for the State of California.

I, petitioner Peter Kleidman, *pro se*, hereby apply for a 60-day extension in which to file my petition for writ of certiorari, pursuant to Rule 13.5.

Basis for Jurisdiction. I maintain that the procedures used in the California courts violated my US Constitutional right to equal protection under the laws. 28 USC §1257(a). The California courts did not address my equal protection argument. I will seek this Court's jurisdiction on the grounds that there is "no doubt from the record that [the federal claim] was presented in the state courts and that those courts were apprised of the nature or substance of the federal claim." *Goeke v. Branch*, 514 US 115, 118 (1995).

Judgment sought to be reviewed: After the California Court of Appeal ruled against me by affirming the order that I appealed, I filed a petition for review to the California Supreme Court. The California Supreme Court summarily denied my petition on July 13, 2022. This summary denial is attached hereto. Accordingly, the deadline in which to petition for certiorari is October 11, 2022. However, for reasons set forth below, I cannot make this deadline, and I therefore request a 60-day extension under Rule 13.5.

Parties for whom an extension is sought. An extension is sought only for petitioner Peter Kleidman.

Respondent. The sole respondent is the RFF Family Partnership, LP, a California limited partnership ("RFF").

I seek to file a petition for certiorari as a *pro se* litigant related to the case *Kleidman v. RFF Family Partnership, LP, et al.*, (*Kleidman v. RFF*), filed in California state court.

This case might be of interest to this Court. The gist of the issue is as follows. Assume there is a contract dispute between parties, giving rise to a case in the California superior court. Assume further that the contract has a provision for attorneys' fees. Well, the underlying contract dispute is tried plenary. But thereafter, when the parties litigate the attorney fees, California common law dictates that the attorney-fee litigation is tried summarily.

I maintain that California's *summary* proceedings of the attorney-fee litigation, vis-à-vis the *plenary* proceedings of the underlying contract dispute, violates the equal protection clause of the 14th Amendment. After all, both the original underlying dispute and the resulting attorney-fee dispute are contract disputes. There is no apparent reason that some contract claims are afforded plenary trials, whereas others are restricted to purely summary proceedings. Plenary proceedings have a host of due process procedural protections under California law, many of which are absent from summary proceedings. The distinction between, on the one hand, contract disputes in general, and on the other hand, contractual attorney-fee disputes, is arguably arbitrary and, at least might warrant this Court's review of the matter.

I raised my equal protection argument in the California Superior Court, the California Court of Appeal, and the California Supreme Court. All three courts did not even mention my argument in their dispositions of my case. Apparently,

as far as they were concerned, it is as if I had never made the argument at all. Their response is not surprising since the California courts have a strong interest in keeping attorney-fee litigation in summary format, since having plenary litigations thereof would dramatically increase their workloads.

I request an extension because I have been dealing with numerous family and personal issues which have substantially impaired my ability to work on my petition. Two members of my immediate family are incapable of caring for themselves, and I am the sole person with ultimate responsibility for their welfares. With one of these family members, the time required of me to adequately care for him dramatically increased over the summer, thereby substantially reducing the time available to me to work on any litigation.

Furthermore, I am completely unfamiliar with the process for petitioning for certiorari. I have been attempting to learn how to petition substantively, stylistically and procedurally. It has been slow going.

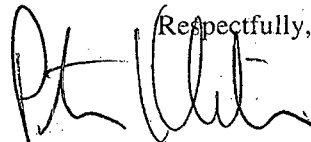
I am also involved in other, time-consuming litigation regarding the same case, *Kleidman v. RFF*. I maintain that the justices of the California Court of Appeal are trampling on my due process rights, and I have been attempting to seek federal-court remedies for these alleged, US Constitutional torts. Indeed, I recently lost a related federal case in the Ninth Circuit, *Kleidman v. Cal. Court of Appeal*, 2022 WL 1153932 (9th Cir. Apr. 19, 2022). Therein, I sued the justices of the California Court of Appeal for trampling on my due process rights in the

course of adjudicating an appeal arising out of *Kleidman v. RFF*.¹ There is yet another federal case that I filed, *Kleidman v. Collins*, et. al., currently pending in the District Court for the Central District of California, case 2:22-cv-03263-CJC-JDE. Again, this case was filed because I allege that the justices of the California Court of Appeal trampled on my due process rights in the course of adjudicating another appeal arising out of *Kleidman v. RFF*.

Given my personal issues, my unfamiliarity and inexperience with petitioning to this Court, and the other, related litigation in which I am involved, I believe I have good cause for obtaining the 60-day extension.

If per chance this application for an extension is denied, I respectfully request that this paper be deemed a petition for certiorari, albeit inadequate. The reason being that this paper describes the federal question and provides the underlying state-court decision. Perhaps this Court might be willing to give me some time to cure all the other defects qua petition for certiorari. In principle, there would be no prejudice to the respondent, RFF.

Dated: September 27, 2022

Respectfully,


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¹I intend to petition for certiorari to review this case on the grounds that the Ninth Circuit imposes the *Rooker-Feldman* jurisdictional bar far more aggressively and expansively than most of the other circuits.