

No. 23-__

In the Supreme Court of the United States

JDH PACIFIC, INC.,

Petitioner,

PRECISION-HAYES INTERNATIONAL, INC.

Respondent.

**APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A
PETITION FOR A WRIT OF CERTIORARI**

TO THE HONORABLE SAMUEL A. ALITO, JR., ASSOCIATE JUSTICE AND CIRCUIT
JUSTICE FOR THE FIFTH CIRCUIT:

Pursuant to 28 U.S.C. § 2101(c) and Rule 13.5 of the Rules of this Court, Petitioner JDH Pacific, Inc., respectfully requests a 60-day extension of time, up to and including January 15, 2024, within which to file a petition for a writ of certiorari to review the judgment of the Texas Supreme Court in this case. The Texas Supreme Court denied a timely request for rehearing on August 18, 2023. Unless extended, the time to file a petition for a writ of certiorari will expire on November 16, 2023. The jurisdiction of this Court will be invoked under 28 U.S.C. §1257. A copy of the Texas Supreme Court's decision denying review is attached as Exhibit A. A copy of the decision denying Petitioner's petition for rehearing is attached as Exhibit B.

The present application is made more than ten days before November 16, 2023.

Undersigned Counsel's mother entered hospice on or about October 12, 2023 and is expected to die in the near future. Her hospice is within walking distance and Counsel visits her frequently. Often, multiple times per day. In addition to caring

for his Mum, Counsel is also seeking amicus support from a noted university professor who has written frequently concerning the subject of the petition. Additionally, Petitioner's counsel is defending a request for a temporary injunction, prosecuting an action for declaratory judgment concerning insurance coverage, defending an Opposition before the Trademark Trial & Appeal Board, and various other client matters. Counsel has a heavy caseload and requires additional time to prepare the petition for a writ of certiorari.

Undersigned counsel contacted Respondent's counsel and Respondent OPPOSES Petitioner's Request for a sixty-day extension (or any extension). This request is not made lightly or for purposes of delay, but to allow Counsel to help his Mum in whatever remaining time she has.

Conclusion

WHEREFORE, Petitioner respectfully submits that the Court should grant Petitioner a 60-day extension of time from November 16, 2023 until January 15, 2024 to file its Petition for a Writ of Certiorari.

Respectfully submitted,

/s/Malcolm E. Whittaker

Malcolm E. Whittaker
Counsel of Record
Petitioner JDH Pacific, Inc.
Whittaker Law Firm
2341 Glen Haven Boulevard
Houston, Texas 77030
IPLitigate@aol.com
832-434-7157

Certificate of Service

A copy of this application was served by email and U.S. Mail to counsel listed below in accordance with Supreme Court Rule 22.2 and 29.3 on October 30, 2023:

John M. Zukowski

jmz@zbplaw.com

Pascal Paul Piazza

ppp@zbplaw.com

Zukowski, Bresenhan & Piazza, L.L.P.

1177 West Loop South, Suite 950

Houston, Texas 77098; and,

Marcy Hogan Greer

mgreer@adjtlaw.com

Alexander Dubose & Jefferson LLP

515 Congress Avenue, Suite 2350

Austin, Texas 78701 and,

Michael D. Morfey

Hunton Andrews Kurth

600 Travis Street

Suite 4200

Houston, Texas 77002

michaelmorfey@huntonAK.com

Attorneys for Respondent

Respectfully submitted,

/s/Malcolm E. Whittaker

Malcolm E. Whittaker

Counsel of Record

Petitioner JDH Pacific, Inc.

Whittaker Law Firm

2341 Glen Haven Boulevard

Houston, Texas 77030

IPLitigate@aol.com

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