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July 21, 2025

United States Supreme Court
1 1st Street, NE
Washington D.C. 201543
Attention: Supreme Court Clerk

Re: *Spirit of Aloha Temple, et al. v. County of Maui, et al.*, U.S. S.Ct. No. 24-1327

Dear Court Clerk:

Pursuant to the Rules of the Supreme Court of the United States, Rule 30.4, Respondent County of Maui respectfully requests that the time to file its brief in opposition to Petitioners Spirit of Aloha Temple and Fredrick R. Honigs' (the "Petitioners") Petition for a Writ of Certiorari be extended for an additional sixty (60) days to **September 28, 2025**.

Petitioners Writ of Certiorari ("Petition") was docketed on June 30, 2025. Absent an additional extension of time, the brief in opposition would be due on July 30, 2025. This is Respondent's first request for an extension of time. Petitioners have consented to the sixty (60) day extension of time.

Substance of the Petition

The Petition asks the Court to review a March 28, 2025 opinion by the Ninth Circuit Court Appeals, that effectively affirmed an October 11, 2023 civil jury verdict rendered in the United States District Court for the District of Hawai'i as consistent with the required legal outcome of this case. Petitioners did not appeal the jury verdict to the federal circuit court of appeals, and do not contest it in the current Petition. Rather, the Petitioner disputes a legal holding made by the federal circuit court of appeals with which the jury verdict was found to be consistent, but which is certainly not the only substantive factual basis on which the jury could have rendered

its verdict against Petitioners as Plaintiffs in the district court, and certainly not the only legal basis requiring the outcome of the case against Petitioners. Petitioners pose the question as follows:

Must a religious organization seeking to build a church prove that it is precluded from using other sites within a municipality's jurisdiction and/or that the municipality's reasons for denying a permit are arbitrary before it can establish that a zoning permit denial to use property as a church imposed a substantial burden on its religious exercise under RLUIPA, or should substantial burden be established by the totality of the circumstances?

Respondent's brief in opposition to the Petition will demonstrate that the Petition's presentation of this narrow legal question as the purported basis for this Court's review fails to account for the other independent legal bases requiring the same outcome with which the jury's verdict against Petitioners as Plaintiffs is consistent. Moreover, the underlying jury trial was conducted upon a voluminous amount of substantive factual evidence demonstrably independent of the narrow issue presented by the Petition.

Background of the Underlying Case

In 1994 Petitioner FRED HONIG purchased an eleven (11) acre parcel of land in Haiku, Maui (the "property") he was aware is zoned for agricultural use, designated with the state agricultural and conservation district, and subject to environmental protections for coastal lands. Spirit of Aloha Temple, et al., et al. v. County of Maui, 49 F.4th 1180, 1184 (2022). After extensively developing, improving, and building on the land without any necessary development permits, regulatory approvals or oversight, HONIG incorporated a non-profit entity through which the property was publicly marketed, advertised on the internet, and used as a venue to conduct commercial tourist destination weddings, vacation rentals, retreats, and special events.

HONIG's unpermitted and unregulated commercial operations in the agricultural zone and conservation district were eventually brought to the attention of Maui County's Planning Department, which put HONIG on notice that his

operations were in violation of zoning and environmental regulations and advised HONIG further that a state Special Permit was required to allow for certain non-agricultural uses on land zone for agriculture. HONIG subsequently submitted applications for a state Special Permit, labeling his commercial operation a “church” and asserting entitlement to the land use permit under protections afforded by the Religious Land Use and Institutionalized Persons Act (“RLUIPA”).

HONIG’s permit application was denied and ten (10) years of litigation, including two district court trials, three federal circuit court appeals, and this Petition pursuant to RLUIPA, have followed.

Reasons for Granting an Extension of Time

Respondent requests the time for Respondent to file a brief in opposition to the Petition should be extended for an additional sixty (60) days, to **September 28, 2025**, for several reasons:

1. As required by Sup. Ct. R. 15.2, the brief in opposition will be presenting “perceived misstatement[s] of fact or law in the petition that bears on what issues properly would be before the Court if certiorari were granted,” as well as “objection[s] to consideration of [the] question presented based on what occurred in the proceedings below[.]” The brief in opposition will require careful, extensive review, and concise excerpting of multiple trial transcripts, testimony, and exhibits admitted into evidence and deliberated on by the jury.
2. Maui County has identified and will be in the process of retaining U.S. Supreme Court counsel to consult and assist with the opposition to the Petition, and possibly have that counsel handle this matter if this Court were to grant the Petition.
3. The undersigned, as counsel of record for the ten (10) year history of this case, has had to tend to immediate family needs and estate administration following the recent passing of his father,¹ which has caused some delay with the retention of outside counsel and the opposition brief.

¹ Retired U.S. Army Colonel Ralph W. Bilberry passed on July 4, 2025, at the age of 86.

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4. The undersigned counsel will be preparing, filing, and completing final briefing in two (2) separate matters before the Intermediate Court of Appeals of the State of Hawai'i and the Supreme Court of the State of Hawai'i in the next month on July 30th and August 11th respectively. The state supreme court matter involves the validity of amendments to Maui County's Special Management Area ("SMA") rules, an environmental regulatory regime for management of Maui County's coastal lands. The unrelated state appellate court matter involves a dispute related to permitting review under the SMA rules.

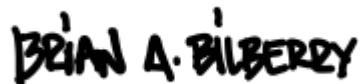
5. No prejudice would arise from the extension. As noted above, Petitioners' counsel has graciously consented to the extension.

Conclusion

For the foregoing reasons, Respondent respectfully requests that the time to file its brief in opposition to the Petition for a Writ of Certiorari in this matter be extended sixty (60) days to and including **September 28, 2025**.

Your prompt attention and action on this request will be greatly appreciated.

Very truly yours,



Brian A. Bilberry
Deputy Corporation Counsel

cc Roman Storzer
Jonathan Durrett
Adam Lang