

Case No. 24-3664; BAP No. 23-1145

IN THE SUPREME COURT OF THE UNITED STATES

Lori Ann Hart-Flaherty

Petitioner,

v.

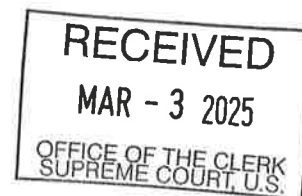
Dean E. Thayer, Trustee of the Dean E. Thayer Trust Dated 5/24/2011 as to an undivided 98,000/2,400,000 Interest et al; the Dean E. Thayer 401k profit sharing plan as to an undivided 142,000/2,400,000 interest, Deane Thayer, Trustee of the Deane Thayer Trust dated 5/24/2011 as to an undivided 298,000/2,400,000 interest, Joseph Michael Mastrogiovanni and Joanne Mastrogiovanni, Trustees of the Mastrogiovanni Family Trust dated February 6, 2017, and any amendments thereto as to an undivided 240,000/2,400,000 interest; Winthrop D. Logemann and Shelly Logemann, Trustees of the Logemann Family Trust dated November 10, 2005 as to an undivided 240,000/2,400,000 interest; Terrance J. Stewart, a married man as his sole and separate-property as to an undivided 240,000/2,400,000 interest; Joseph M. Zappala and Leciana M. Zappala, Trustees of the JMLMZ Family Trust dated December 17, 2005 as to an undivided 240,000/2,400,000 interest; David L. Farrell and Anne E. Farrell, trustees of the Farrell Family Trust dated September 27, 2007 as to an undivided 1,000,000/2,400,000 interest, all as tenants in common.

Respondent.

**APPLICATION TO EXTEND TIME RE PETITION FOR WRIT OF
CERTIORARI ON APPEAL FROM THE NINTH CIRCUIT COURT OF
APPEALS**

LORI ANN HART-FLAHERTY
17474 Tramonto Drive, Pacific Palisades, CA 90272
(310) 459-0964

Petitioner in Pro Se



To the Honorable Elena Kagan, as Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

Pursuant to this Court's Rules 13.5, 22, 30.2, and 30.3, Petitioner Lori Ann Hart -Flaherty ("**Homeowner**") in Pro Se respectfully requests that the time to file her Petition for Writ of Certiorari be extended for 60 days up to and including April 18, 2025.

Reasons For Granting An Extension Of Time

Absent an extension of time, the Petition for Writ of Certiorari would be due tomorrow, February 18, 2025. Petitioner was unable to file this Application at least ten days before that date because of extremely extraordinary circumstances as she was evacuated from her burning home during the Palisades Fire, lost many files related to the history and authorities regarding this matter, and the electricity for her home where her office is located has been off for the past 5 weeks.

Moreover, in addition to being completely distracted by the fire, among other related things, on January 7, 2025 (the morning of the fire) after clicking "update" the night before on an antivirus program "Ultra AV" (which had unilaterally taken over for Moscow run Kaspersky antivirus) her main litigation folder containing thousands of files going back to when this travesty started in 2010 was entirely erased. Not deleted, erased, further interfering with her ability to compose this application.

On November 24, 2024 The Court of Appeals for the Ninth Circuit issued its order concluding the appeal of Lori Ann Hart-Flaherty was frivolous (Appendix ("App.") despite; 1) her bankruptcy exhibits showing she qualified for bankruptcy protection; 2) her exhibits from the USPS Informed Receipt program demonstrating that Respondents did not serve her and late served her the motion lift the automatic stay and subsequent

reply so she could not timely defend herself, and; 3) her declaration authenticating how her bankruptcy and adversary proceeding had been prematurely dismissed; and 4) the indisputable proof in her declaration that Respondents are in the process of passing bad title with a forged lien she was unaware of and had nothing to do with. See Decl. Hart-Flaherty in the attached Petition for Rehearing En Banc. (Decl. pp. 13-16.)

On December 5, 2024 at 1:46 PM, Petitioner filed her Petition for Rehearing En Banc. (Dckt. 16.) However, the Court deemed the Petition defective and treated it as a Motion for Reconsideration. (Dckt. 17.)

Reasons For Granting An Extension Of Time For 60 Days.

The time to file a Petition for a Writ of Certiorari should be extended for 60 days because the erasure of her files and the distraction caused by the impact of the Palisades Fire upon her home and her life has been extremely extraordinary. During this time, and without a court order authorizing it to do so, the Respondent, which has no valid lien, has tried to change the locks to her home twice, using this disaster as an excuse, and that as well interfered with Petitioner's ability to submit this Petition. In addition, the Petitioner, Ms. Flaherty and her family have numerous litigation deadlines in the forthcoming weeks during which it remains unsure whether Respondents will get away with evicting her from her home of 34 years, making the it all the more difficult to pursue seeking justice. Those concurrent lower court cases include the following:

- *Vince Flaherty; and Vince Flaherty Successor Trustee of the KHG Trust vs. Ken Thayer, Thayer Properties Inc; Jon Orville Freeman; Holly Hill Investments LLC, et al.* Case No. 23SMCV02778, action filed 6/22/2023 in the Superior Court of California for Los Angeles County, Beverly Hills, West District,

and currently pending before judge Michael E. Whitaker in Department 207, is related to this above-captioned action because the cases: (1) involve the same parties and/or are based on the same or similar claims; and (2) arise from the same or substantially identical transactions, incidents or events requiring the determination of the same or substantially identical questions of law or fact.

- On September 20, 2024, Petitioner here submitted a joinder in Case 23SMCV02778 to be able to consolidate the above case with the other related cases. However her joinder was denied and her motion to intervene under Cal. CCP § 387, was never accepted into the court system.
- *Holly Hill Investments LLC vs, Vince Flaherty Successor Trustee of the KHG Trust; Lori Ann Hart; et al.*, Case 19SMCV02002, filed 11/14/2019, in the Superior Court of California for Los Angeles County, previously pending before judge H. Jay Ford, III and currently pending in the Court of Appeal, Case B336900, is regarding several cases brought by an affiliate of Plaintiff here, and is related to this above-captioned action because the cases: (1) involve the same parties and/or are based on the same or similar claims; and (2) arise from the same or substantially identical transactions, incidents or events requiring the determination of the same or substantially identical questions of law or fact.
- *Holly Hill Investments LLC vs, Vince Flaherty Successor Trustee of the KHG Trust; San Juan Investments LLC, et al.*, Case No. 24STCV16843, filed 7/8/2024 in the Superior Court, County of

Los Angeles, before judge Mark E. Windham in Department 17 at 111 North Hill Street, Los Angeles, CA is related to this above-captioned action because the cases: (1) involve the same parties and/or are based on the same or similar claims; and (2) arise from the same or substantially identical transactions, incidents or events requiring the determination of the same or substantially identical questions of law or fact.

- In *Re Lori Ann Hart-Flaherty*; Cases 24-3670 the United States Court of Appeals for the Ninth Circuit, originally filed 6/26/2023, in the United States Bankruptcy Court Central District of California (Los Angeles) regarding the adversary proceeding I seek regarding my ownership of my home, is related to this above-captioned action because the cases: (1) involve the same parties and/or are based on the same or similar claims; and (2) arise from the same or substantially identical transactions, incidents or events requiring the determination of the same or substantially identical questions of law or fact.
- Lori Ann is a pro se petitioner and does not have the resources to proceed as quickly as her above mentioned deed-flipping adversaries. As such she would require more time even without confronting the aftermath of Palisades Fire which is dominating her life.

This case presents issues of crucial importance to this Court and to all Homeowners embattled by those who would seek to dispossess them without ownership of their debt or a valid lien.

A significant prospect exists that this Court will grant certiorari and reverse the Ninth Circuit because, among other things, a significant portion

of the justices in the California Supreme Court and Ninth Circuit still believe that a citizen must first be dispossessed of their home before a claim for wrongful foreclosure may be pursued. For instance, many California State and Ninth Circuit related positions directly conflict with the *Reyes-Toledo* (Hawaii) line of cases which established a legal precedent that allows homeowners to bring a claim for wrongful foreclosure even before the foreclosure actually occurs, setting a lower bar for proving such a claim and providing greater protection for borrowers against potential improper foreclosures in the state; essentially, it made it easier for homeowners to challenge foreclosure actions by requiring lenders to demonstrate proper documentation of loan ownership and assignment. Likewise, in *Yvanova v. New Century Mortgage* (2016) the California Supreme Court ruled that a borrower has standing to challenge a foreclosure if they demonstrate that the loan assignment was "void" (meaning completely invalid).

This extension will not cause prejudice to Respondents, as Respondents will not need to prepare a brief in opposition at this time.

CONCLUSION

For all the foregoing reasons, Petitioner respectfully requests that the time to file the Petition for a Writ of Certiorari in this matter be extended for 60 days up to and including April 18, 2025.

Respectfully submitted,

s/ Lori Ann Hart-Flaherty

Petitioner in pro se

A handwritten signature in black ink, appearing to read "Lori Ann Hart-Flaherty", written over the typed name.

APPENDIX

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

NOV 21 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: LORI ANN HART-FLAHERTY,

Debtor.

No. 24-3664

BAP No. 23-1145

ORDER

LORI ANN HART-FLAHERTY,

Appellant,

v.

DEAN E. THAYER 401 K PROFIT
SHARING PLAN ET. AL.,

Appellee.

Before: S.R. THOMAS, BYBEE, and COLLINS, Circuit Judges.

Upon a review of the record and the responses to the court's July 31, 2024 order, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 4), *see* 28 U.S.C. § 1915(a), and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

No further filings will be entertained in this closed case.

DISMISSED.

CERTIFICATE OF SERVICE

A copy of this application was served by email and U.S. mail to the Respondents' counsel listed in the Service List below in accordance with Supreme Court Rule 22.2 and 29.3.

s/ Lori Ann Hart-Flaherty



Petitioner in pro se.

Service List

In re: LORI ANN HART-FLAHERTY
Ninth Circuit 24-3664; BAP No. CC- 23- 1145; BK No. 2:23-bk-1370-SK

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IN THE SUPREME COURT OF THE UNITED STATES

**AFFIDAVIT OF LORI ANN HART-FLAHERTY RE DATE OF MAILING
APPLICATION FOR A 60-DAY EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI. ON APPEAL FROM THE
NINTH CIRCUIT COURT OF APPEALS**

Case No. 24-3664; BAP No. 23-1145

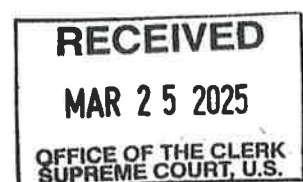
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Respondents.



AFFIDAVIT

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES)

I Lori Ann Hart-Flaherty respectfully declare:

1. I am over eighteen years of age. I have personal knowledge of all matters stated herein, except for those stated on information and belief, and, if called as a witness, could and would testify competently thereto.
2. I want the Court to know that I deposited my Application to extend time re petition for writ of certiorari in the mail on February 17, 2025.
3. I was unable to make the Application any sooner, for instance at least ten days before the petition was due, because of extremely extraordinary circumstances. For instance, I was evacuated from my burning home during the Pacific Palisades Fire, lost many files related to the history and authorities regarding this matter, and the electricity and internet for my home where my office is located had been off since about January 8, 2025 and is only now becoming stable without interruption.
4. There is good cause to grant a 60 day extension as on the morning of the Palisades Fire, January 7, 2025, the entire litigation folder for this course of litigation going back to 2010 (as well as this case) containing thousands of files and authorities was erased (erased, not merely deleted from the drives) on my separated spouse's computers and backup drives before they went offline.
5. One of my sons and I were was evacuated, while my separated spouse who owns a sole and separate 50% interest in my home came to fight the fire. See local Fox video link below.

https://www.dropbox.com/scl/fi/jxnu4x2vwia3fyntzzqhp/20250128_220809.mp4?rlkey=qngo2h27hmk9py2jsizl8pbqj&st=mlmdm52q&dl=0

6. He killed the Fox piece from going onto Fox national because Fox had promised he would be allowed at least 15 seconds to mention that the fire happened when we were also in the midst of defending our family home from an enormous internationally operating bad deed buying operation which researches homes with title issues and/or time-barred debt – solicits investors into its opportunity funds – and uses that money to buy bad deeds and pass bad title, taking thousands of homes into their LLCs and asset management companies.
7. In any event, rather than educating the public as to the home taking pandemic that has become more of a threat to our country than the factors which caused the \$30 to \$40 billion California fire losses, the Fox news hit piece characterized my separated spouse as “a little nutty” which undermined the message we wish to convey. That is why he killed the piece and the only place you can see it now is from the above link
8. I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct and was executed in Los Angeles, California.

DATED: March 14, 2025

Respectfully submitted,



s/Lori Ann Hart-Flaherty

Petitioner in pro se

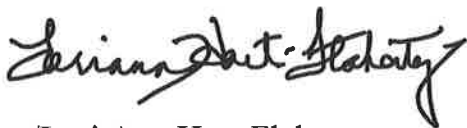
17474 Tramonto Drive

Pacific Palisades, CA 90272

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CERTIFICATE OF SERVICE

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s/Lori Ann Hart-Flaherty

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Ninth Circuit 24-3664; BAP No. CC- 23- 1145; BK No. 2:23-bk-1370-SK

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