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October 11, 2019

Via FedEx Standard Overnight Delivery

Supreme Court of the United States
ATTN: Office of the Clerk
1 First Street, N.E.
Washington, D.C. 20543

RE: *St. James School*
v. Darryl Biel, as personal representative of the estate of Kristen Biel
No. 19-348
Motion to Extend the Time to File Opposition to Petition for Writ of Certiorari

Dear Clerk of the Supreme Court of the United States:

Pursuant to Supreme Court Rule 30.4, Respondent Darryl Biel, as personal representative of the estate of Kristen Biel, hereby applies for an extension of time of 27 days for filing a Brief in Opposition to the Petition for Writ of Certiorari. If this requested extension is not granted, then the deadline for the filing and service of Respondent Biel's Brief in Opposition to the Petition for Writ of Certiorari will be this upcoming Thursday, October 17, 2019.

In support of this application for an extension of time to file the Brief in Opposition to the Petition for Writ of Certiorari, Respondent submits the following specific reasons that justify granting this request:

- 1. The attorney who handled the briefing in the underlying district court case and the briefing and oral argument of the underlying Ninth Circuit appeal recently left Respondent's Counsel's firm.**

Andrew Pletcher was the attorney who briefed and argued the underlying matters in this case, and September 19, 2019 was his last day working for JML Law APLC. Other counsel at JML Law APLC now are in the process of reviewing all of the briefing from the underlying case and appeal, as well as becoming familiar with the relevant case law involved in this matter, and need additional time to prepare a concise Brief in Opposition to the Petition for Writ of Certiorari in this matter, in order to aid the Court with making a determination on the Petition.

Therefore, 28 days of additional time is necessary in order for Respondent's Counsel to adequately review the Record on Appeal, thoroughly review relevant case law, and prepare a complete and accurate Brief in Opposition to the Petition for Writ of Certiorari in order to best aid the Court with determining the appropriate outcome on the Petition.

- 2. Respondent's Counsel has been and continues to be heavily involved in other litigation and appellate matters, while also being short-staffed**

Since the Petition for Writ of Certiorari was filed on September 16, 2019, Respondent's Counsel, Jennifer A. Lipski, has been heavily engaged in other matters, including: assisting with, reviewing, and editing eight (8) motions to compel, which were filed on October 4, 2019 in the Los Angeles County Superior Court in *Kocar v. Executive Realty, et al.*, case no. 19stcv05375; reviewing and currently finalizing another opposition to a writ of certiorari to the United States Supreme Court in *Our Lady of Guadalupe School v. Agnes Deirdre Morrissey-Berru*, No. 19-267, which opposition brief

is due October 18, 2019; preparing an opposition to a motion for summary judgment in the Los Angeles County Superior Court in *Bouie v. City of Santa Monica*, case no. BC723197, which opposition briefing is due October 23, 2019; reviewing the underlying trial record and appellate record in order to begin preparing supplemental/augmented findings of fact following remand by the Ninth Circuit Court of Appeals in *Matkovich v. Costco Wholesale Corporation*, case no. 2:15-CV-02057-MRW; reviewing the appellate record and preparing an opening appellate brief to the California Court of Appeal in *Davis v. California Guardian, Inc.*, no. B294819, which appellate brief is due November 4, 2019; preparing an opposition to a motion for summary judgment in the Los Angeles County Superior Court in *Lozano v. Disneyland Resort*, case no. 30-2018-01034446-CU-WT-CJC, which opposition briefing is due November 4, 2019; reviewing a case in preparation to draft the opposition to a motion for summary judgment in arbitration with the American Arbitration Association (AAA) in *Rosen v. Maxim Healthcare Services, Inc.*, case no. 01-18-0004-3752, which opposition briefing is due November 4, 2019; and will be assisting with the preparation of and reviewing an opposition to a motion for summary judgment in the Stanislaus County Superior Court in *Delashmit v. County of Stanislaus*, case no. 9000272, which opposition is due November 19, 2019.

3. Respondent's Counsel is at risk of a power outage and is closely monitoring a nearby raging wildfire.

Respondent's counsel, Jennifer A. Lipski, works out of the firm's San Fernando Valley office in Woodland Hills, California, which office was closed today due to wildfires in the San Fernando Valley, as well as due to the direct smoke impact and extremely poor air quality caused by multiple burning wildfires. Additionally, Respondent's

counsel lives in Thousand Oaks, California, where there were power shutoffs yesterday and may experience further power outages in the next couple days as the Santa Ana winds continue and the wildfires unfortunately grow. Thankfully, Thousand Oaks is not under any evacuation orders at this time, however, Respondent's counsel had to evacuate due to a wildfire last year (as well as 12 years ago) and therefore she is aware of how quickly a wildfire can spread and threaten homes and lives. The smoke and unhealthy air quality are already impacting Respondent's counsel health, as she is suffering increasing symptoms from the wildfire smoke, including respiratory issues, chest pain and tightness, a sore throat, intermittent headaches, feelings of nausea, and some eye irritation.

4. The amount of time requested for extending the filing and service deadline for the Brief in Opposition to the Petition is only 27 days.

Although a Petitioner has 90 days to prepare, file and serve a Petition for Writ of Certiorari, a Respondent has only 30 days from when the case is placed on the docket to file a Brief in Opposition to the Petition. Respondent has only one-third of the time to prepare an Opposition, and is only requesting an extension of 27 days to file Respondent's Opposition to the Petition for Writ of Certiorari. Such a brief extension is reasonable and not prejudicial to any party.

Therefore, for the foregoing reasons, Respondent respectfully requests that the Clerk grant this application for an extension of time (27 days) to and including November 13, 2019, to file and serve Respondent's Brief in Opposition to the Petition for Writ of Certiorari, which Opposition is otherwise due on Thursday, October 17, 2019.

ST. JAMES SCHOOL v. DARRYL BIEL, as personal representative of the estate of KRISTEN BIEL (No. 19-348)

Rule 30.4 Motion to Clerk to Extend Time to File Respondent's Opposition to Petition

Dated: October 11, 2019

Respectfully submitted,

/s/ Jennifer A. Lipski

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