

SUPREME COURT OF THE UNITED STATES
October Term, 2022

JOEL DOUGLAS Et Al,)	
)	
Petitioner,)	
)	NO.
vs.)	
)	
DAVID HIRSHON Et Al,)	
)	
Respondent.)	

**APPLICATION TO EXTEND THE TIME TO FILE A PETITION FOR
WRIT OF CERTIORARI**

NOW COMES the Petitioners Joel Douglas, Steven Fowler, and James Lewis by counsel, pursuant to Supreme Court Rule 21 and 13, requests an order from this court extending the time to petition for writ of certiorari. In support of this motion, Petitioner provides the following:

1. Joel Douglas, Steven Fowler, and James Lewis filed a complaint against David Hirshon alleging his membership in a conspiracy to invest into a racketeer influenced and corrupt organization enterprise. Mr. Hirshon filed a motion to dismiss alleging that the complaint did not allege a plausible claim, which the District Court granted for failing to plausibly allege the knowingly joined element of a conspiracy under 18 U.S.C. § 1962. The petitioners appealed after Mr. Hirshon motioned for final judgment.

2. On appeal, the United States Court of Appeals for the First Circuit affirmed holding that the claims against Hirshon were deficient for failing to allege a plausible claim that Mr. Hirshon knowingly joined the conspiracy, the District Court did not have to consider public records

attached to the opposition to the motion to dismiss, and the District Court did not have to grant limited discovery. A copy of the opinion is attached as Exhibit A. The Petitioners filed a timely motion for Panel Rehearing and Rehearing En Banc which was denied by the Court of Appeals for the First Circuit. A copy of the order is attached as Exhibit B.

3. Counsel is unable to prepare the petition in accordance with Supreme Court Rule 33.1 by the filing date. Counsel had a series of appeals that were argued and decided in close proximity to each other and this case. Counsel has submitted Petition for Writ of Certiorari in *United States v. Ochoa*, given case number 22-7890, *United States v. Howard*, not yet assigned a case number in two of those cases. Counsel also has long standing vacation plans that include a full distance triathlon in Lake Placid New York that he has been training for over the last year from July 19, 2023 through July 26, 2023 that make it impossible to arrange for the completion of the Petition for Writ of Certiorari and printing in Booklet format by the 90 day deadline that falls on July 30, 2023.
4. Counsel estimates that he would need sixty additional days to ensure the production of the Petition for Writ of Certiorari and the Appendix thereto in accordance with R33.1.
5. In relevant part, Supreme Court Rule 13.5 provides "[f]or good cause, a Justice may extend the time to file a petition for a writ of certiorari for a period not exceeding 60 days. An application to extend the time to file shall set out the basis for jurisdiction in this Court, identify the judgment sought to be reviewed,

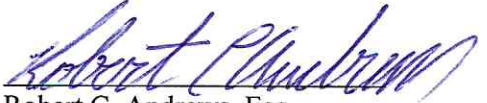
include a copy of the opinion and any order respecting rehearing, and set out specific reasons why an extension of time is justified. The application must be filed with the Clerk at least 10 days before the date the petition is due, except in extraordinary circumstances. Counsel asserts that confusing deadlines and discovering the mistake just prior to the deadline is an extraordinary circumstance.

6. There is good cause to Extend the Period of Time because Petitioners would be prejudiced by the failure to have the Supreme Court review the decisions of the United States Court of Appeals for the First Circuit because of the timing of the decision in this matter and the general concerns and activities of life.
7. Counsel has contacted Marshall Tinkle and explained that he needed to extend the time to file a Petition for Writ of Certiorari and indicated that he would inform the Court of Mr. Hirshon's objection.

WHEREFORE, it is requested that Petitioner's Application to Extend Time to File a Petition for Writ of Certiorari be granted extendin the deadline for filing a Petition for Writ Of Certiorari to 150 days from the date of the order denying Rehearing En Banc.

Dated at Portland, Maine on this 19th day of July, 2023.

Robert C. Andrews
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(207) 879-9850


Robert C. Andrews, Esq.
Attorney for Joel Douglas,
Steven Fowler, and James
Lewis Petitioners

CERTIFICATE OF SERVICE

I, Robert C. Andrews, attorney for Petitioners hereby certify that I have caused, pursuant to Supreme Court Rule 39.2, one original of Petitioner's Application to Extend Time to File the Petition for Writ of Certiorari to be served upon the following:

Clerk United States Supreme Court
1 First Street, NE
Washington, DC 20543

Office of the Solicitor General
US Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530-0001

Mr. Marshall Tinkle, Esq.
15 Monument Square, 4th Floor
Portland ME 04101

Said Motion having been sent to the above addresses by first class mail, postage prepaid, this
19th day of July, 2023.


Robert C. Andrews, Esq.
Attorney for Petitioners

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