

No. _____

In the Supreme Court of the United States

CITY OF HUNTINGTON BEACH; LISA LANE BARNES,
Applicants,

v.

THE PEOPLE OF THE STATE OF CALIFORNIA EX REL. ROB BONTA, AS ATTORNEY GENERAL,
ETC., ET AL.,
Respondents.

**Application for an Extension of Time to File a Petition
for a Writ of Certiorari to the United States Court of
Appeal of the State of California, Fourth Appellate
District, Division Three**

**To the Hon. Elena Kagan,
Circuit Justice for the Ninth Circuit**

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**PARTIES TO THE PROCEEDINGS
AND RULE 29.6 DISCLOSURE STATEMENT**

Applicants are (1) the City of Huntington Beach, a California Charter City and Municipal Corporation; and (2) Lisa Lane Barnes,¹ in her capacity as City Clerk of the City of Huntington Beach. Applicants were the defendants in the trial court and the respondents in the Court of Appeal. None of the applicants are private corporations.

Respondents are (1) the People of the State of California ex rel. Rob Bonta, as Attorney General; and (2) Shirley N. Weber, Ph.D., in her capacity as Secretary of State. Respondents were the plaintiffs in the trial court and the appellants in the Court of Appeal.

TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE OF THE NINTH CIRCUIT:

Pursuant to Rule 13.5, Applicants the City of Huntington Beach and Lisa Lane Barnes respectfully request a 30-day extension of time—up to and including May 28, 2026—in which to file their petition for a writ of certiorari to review the published opinion of the Court of Appeal of the State of California, Fourth Appellate District, Division Three, issued on November 3, 2025, in *People ex rel. Bonta v. City of Huntington Beach*, 115 Cal.App.5th 962 (2025), (Apx. 1a-15a) and the companion unpublished opinion issued the same date in *Bixby v. City of Huntington Beach*, Nos. G065461, G065499 (Cal. Ct. App., 4th Dist., Div. Three), (Apx. 16a-19a.) Pursuant to

¹ The named party below was Robin Estanislau, the former City Clerk. Lisa Lane Barnes is the current City Clerk and is automatically substituted as a party under Rule 35.3.

Rule 12.4, a single petition covering both judgments will suffice because they involve identical questions and were decided by the same panel on the same date. The California Supreme Court denied review of both opinions on January 28, 2026 (No. S294368 [Apx. 21a].) In the absence of an extension, Applicants have up to and including April 28, 2026, to file their petition. *See* S. Ct. Rules 13.1, 13.3, 30.1. This Court’s jurisdiction would be invoked under 28 U.S.C. § 1257(a).

1. This case presents the question whether a state court may sustain a categorical state-law prohibition on local voter-identification requirements by treating voter identification as a threat to “equal participation in the electoral process,” notwithstanding this Court’s decision in *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008), holding that voter-identification requirements are not facially invalid under the Fourteenth Amendment. The Court of Appeal struck down a voter-approved charter-city amendment authorizing the City of Huntington Beach to verify voter eligibility by identification in local municipal elections, holding that California Elections Code section 10005—which categorically bans local voter-identification requirements—preempts the voter-ID charter amendment. 115 Cal.App.5th at 970–71, 974–75. The state trial court had sustained the City’s demurrer, finding “no showing” that voter identification compromises the integrity of a municipal election. *Id.* at 965.

The federal question arises because the Court of Appeal used voter-identification burdens—burdens this Court held constitutionally insufficient in *Crawford*, 553 U.S. at 198, and *Brnovich v. Democratic National Committee*, 594 U.S. 647 (2021)—to

justify a state-law override of the City’s constitutionally vested election authority under article XI, section 5(b)(3) of the California Constitution. The court below made voter-identification burdens do work *Crawford* and *Brnovich* say they cannot do: it used them to overcome a constitutional allocation of local authority. The petition will also present the question whether this decision is reviewable under *Michigan v. Long*, 463 U.S. 1032 (1983), because the state court’s ruling is interwoven with federal constitutional premises and contains no clear and express statement that the judgment rests on independent state grounds.

2. Applicants respectfully request a 30-day extension of time for the following reasons.

First, in March 2026, the firm suffered the unexpected death of Ryan Merker, a former associate of Kowal Law Group, APC, and at the time of his passing the firm’s only contract attorney. Mr. Merker’s death has imposed significant personal and professional disruption on the firm during a period of intensive appellate obligations.

Second, undersigned counsel have been actively conferring with potential co-counsel to present this petition, which raises a novel interaction between this Court’s voter-identification precedents and state home-rule doctrine that would benefit from specialist collaboration at the certiorari stage. Those discussions are ongoing and have not yet concluded.

Third, Applicants’ appellate counsel Timothy M. Kowal has substantial appellate obligations in the weeks surrounding the current April 28, 2026 deadline. On April 21, 2026, Mr. Kowal is scheduled to present oral argument for appellants in the

\$50 million intellectual-property case *Ossur Americas, Inc. et al. v. Lasso et al.*, No. G065028 (Cal. Ct. App.). On the same date, Mr. Kowal’s associate Teddy T. Davis is scheduled to present oral argument for appellants in the Covid vaccine-mandate case *Amosun Akala, et al. v. Los Angeles Unified School District*, No. B340852 (Cal. Ct. App.)—an obligation Mr. Kowal was required to delegate to Mr. Davis due to the scheduling conflict. Mr. Kowal was also scheduled to present oral argument on April 21, 2026, in *Palmieri v. Foondos et al.*, No. C100383 (Cal. Ct. App., 3d Dist.), an attorney-ethics case presenting a question of first impression, which has been continued to May 2026. In addition, Mr. Kowal is lead appellate counsel in *Gonzales v. Superior Court (Uber Technologies, Inc.)*, No. G066530 (Cal. Ct. App.), in which briefing was only recently completed, on April 8, 2026, challenging a ruling granting Uber’s first-impression tort-immunity theory—an issue of national interest, as legislatures and courts across the country have been grappling with the scope of platform-based tort immunity.

A 30-day extension of time will enable counsel to conclude co-counsel discussions, recover from the disruption caused by Mr. Merker’s passing, fulfill their concentrated oral argument obligations, and devote the time necessary to filing a petition that presents a novel and structurally important question to this Court.

Accordingly, Applicants respectfully request an extension of time up to and including May 28, 2026, in which to file their petition for a writ of certiorari.

Respectfully submitted,

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Date: April 15, 2026