

No. 23-60006

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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MILESTONE FINANCIAL, LLC,

*Defendant-Appellant,*

v.

In re: E. MARK MOON and LORI H. MOON,

*Debtors/Plaintiffs-Appellees*

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On Appeal from the United States Bankruptcy Appellate Panel  
of the Ninth Circuit

Bankruptcy Appellate Panel Docket No. 22-1117  
Bankruptcy Case No. 20-30711-DM  
Adversary Case No. 20-03117-DM

The Honorable Gary A. Spraker, Chief Bankruptcy Judge  
The Honorable Scott H. Gan  
The Honorable Julia W. Brand

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***AMICUS CURIAE* AMERICAN ASSOCIATION OF PRIVATE  
LENDERS, LLC REQUEST FOR PERMISSION OF THE COURT TO  
PARTICIPATE IN ORAL ARGUMENT**

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**REQUEST FOR PERMISSION OF THE COURT TO PARTICIPATE**  
**IN ORAL ARGUMENT**

This Court, on November 7, 2023 informed the parties and *amicus curiae* that oral argument is tentatively scheduled to be heard in March or April 2024. Pursuant to FRAP 29(a)(8), this *amicus curiae* respectfully asks this Court for permission to participate in oral argument to allow it the opportunity to address the legal arguments proffered in its brief. This *amicus curiae*'s viewpoint on the interpretation of Article 15, Section 1 of the California Constitution and California Civil code Section 1916.1 is unique amongst the parties and other *amici* – a viewpoint that, if the Court pleases, provides the Court an alternative method to resolve the merits of this case.

A Motion for Leave to File Amicus Brief, accompanied by a proposed brief, was filed by the undersigned on May 18, 2023 (Entry No. 15) and remains pending before this Court.

Dated: December 6, 2023

Respectfully submitted,

*s/ Matthew B. Gunter, Esq.*  
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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on December 6, 2023. All other participants in this case are registered CM/ECF users and that service will be accomplished by using the appellate CM/ECF system.

Dated: December 6, 2023

*/s/ Matthew B. Gunter*  
Matthew B. Gunter, Esq.