

No. 12-17803

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ESPANOLA JACKSON, et al.,

Plaintiffs-Appellants,

v.

CITY AND COUNTY OF SAN FRANCISCO, et al.,

Defendants-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(CV-09-2143-RS)

**APPELLANTS' MOTION FOR EXTENSION OF TIME
TO FILE REPLY BRIEF; DECLARATION OF CLINTON B. MONFORT;
DECLARATION OF ANNA M. BARVIR**

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Counsel for Plaintiffs-Appellants

REQUEST FOR EXTENSION OF TIME

To the Clerk of the United States Court of Appeals for the Ninth Circuit:
Pursuant to Federal Rule of Appellate Procedure 26(b) and Ninth Circuit Rule 31-2.2(b), Appellants respectfully submit this unopposed motion for a sixty (60) day extension, through and including May 20, 2013, to file their Reply Brief.

After stipulating with Appellees to extend the time to file Appellants' Opening Brief and Appellees' Answering Brief, Appellants' Reply Brief is currently due on or before March 21, 2013. As set forth below in the Declarations of Clinton B. Monfort and Anna M. Barvir, the two attorneys primarily responsible for the drafting and preparation of Appellants' Reply Brief, an extension of that deadline has become necessary. Monfort Decl. ¶¶ 1, 3-4; Barvir Decl. ¶¶ 1, 3-4. Accordingly, counsel for Appellants contacted Appellees' counsel to inquire whether they would oppose an extension to file Appellants' Reply Brief. Barvir Decl. ¶ 5. Appellees' counsel stated they had no opposition, provided that oral argument will not be scheduled between June 12-21 and August 15-23, 2013, two periods during which Appellees' counsel is unavailable. Barvir Decl. ¶ 5.

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Appellants hereby request, therefore, that this Court grant a sixty (60) day extension for Appellants to file their Reply Brief, through and including May 20, 2013, or a shorter extension for a period of time the Court deems appropriate.

Date: March 14, 2013

MICHEL & ASSOCIATES, P.C.

/s/ C. D. Michel

C. D. Michel

Attorney for Plaintiffs/Appellants

DECLARATION OF CLINTON B. MONFORT

I, Clinton B. Monfort, declare:

1. I am an attorney at law duly licensed to practice in the State of California and before the Ninth Circuit Court of Appeals. I am an attorney at Michel & Associates, P.C., attorneys of record for Appellants Espanola Jackson, et al. I am one of two attorneys primarily responsible for drafting and preparing Appellants' Reply Brief in this case. I have personal knowledge of the facts set forth herein and, if called as a witness, I could and would competently testify thereto.

2. Because Appellees' Brief was filed on March 7, 2013, Appellants' Reply Brief is currently due on or before March 21, 2013.

3. Due to other matters, both professional and personal, consuming much of Appellants' counsel's time, Appellants request a 60-day extension to file their Reply Brief, up to and including May 20, 2013.

4. Other matters have consumed much of my time in the past weeks, which matters I anticipate continuing to consume my time in the coming weeks, such that I have been and will continue to be unable to devote the time required to adequately prepare Appellants' Reply Brief. These other matters include, but are not limited to:

- a. Conducting extensive analysis of no fewer than 50 state legislative proposals and drafting letters of opposition in my role as state legislative analyst for Michel & Associates, P.C.'s civil rights clients in California;
- b. Conducting extensive analysis of numerous proposed local ordinances and drafting letters of opposition to various local governmental bodies in my supporting role to Michel & Associates, P.C.'s local affairs analyst;
- c. Preparing for and attending multiple speaking engagements, including several lectures on the status of self-defense-civil-rights litigation and legislative affairs in California at the Fred Hall Show between March 7 and March 9, 2013, and the Orange County Gun Show on March 23, 2013;
- d. Assisting with the drafting and preparation of an appellate brief in *McKay v. Hutchens*, Ninth Circuit Case No. 12-57049;
- e. Assisting with the drafting and preparation of an amicus curiae brief in *Calguns Foundation, Inc. v. County of San Mateo*, California Court of Appeal, First District Case No. A136092; and
- f. Providing care and support for an ailing immediate family

member, who requires regular assistance with her medical needs, a responsibility that often takes me away from my professional duties for varying periods of time.

5. Appellants' have not previously asked for an extension of time to file their Reply Brief.

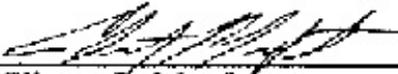
6. Counsel for Appellants have at all times exercised diligence to provide this Court timely and professional briefing. The requested extension of time will enable counsel to continue to do so, while at the same time fulfilling their obligations in other courts and other matters.

7. This motion is made in good faith for the reasons of actual need set forth herein and not for the purpose of delay. In fact, it is in Appellants' interest to expedite a resolution of this matter, but not at the expense of the brief's quality.

8. To my knowledge, the requested extension will not prejudice any party.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 14th day of March 2013 at Long Beach, California.



Clinton B. Monfort

DECLARATION OF ANNA M. BARVIR

I, Anna M. Barvir, declare:

1. I am an attorney at law duly licensed to practice in the State of California and before the Ninth Circuit Court of Appeals. I am an attorney at Michel & Associates, P.C., attorneys of record for Appellants Espanola Jackson, et al. I am one of two attorneys primarily responsible for drafting and preparing Appellants' Reply Brief in this case. I have personal knowledge of the facts set forth herein and, if called as a witness, I could and would competently testify thereto.

2. Because Appellees' Brief was filed on March 7, 2013, Appellants' Reply Brief is currently due on or before March 21, 2013.

3. Due to other matters, both personal and professional, consuming much of Appellants' counsel's time, Appellants request a 60-day extension to file their Reply Brief, up to and including May 20, 2013.

4. Other matters have consumed much of my time in the past weeks, which matters I anticipate continuing to consume my time in the coming weeks, such that I have been and will continue to be unable to devote the time required to

adequately prepare Appellants' Reply Brief. These other matters include, but are not limited to:

- a. I am a foster-adoptive parent and, on March 13, 2013, I was informed by the Los Angeles County Department of Child & Family Services that I would be immediately placed with an infant child. The initial days and weeks of the placement will require some time away from my professional duties while the child adjusts to her new home;
- b. On March 20, 2013, the day before Appellants' Reply Brief is currently due, I am scheduled to undergo a medically necessary surgical procedure that will require several days away from my professional duties during recovery;
- c. Conducting extensive analysis of proposed local ordinances and drafting letters of opposition to various local governmental bodies in my supporting role to Michel & Associates, P.C.'s local affairs analyst;
- d. Drafting and preparing an appellate brief in *McKay v. Hutchens*, Ninth Circuit Case No. 12-57049; and

e. Drafting and preparing of an amicus curiae brief in *Calguns Foundation, Inc. v. County of San Mateo*, California Court of Appeal, First District Case No. A136092.

5. In light of my and Mr. Monfort's commitments, I contacted Appellees' counsel via e-mail on March 13, 2013, regarding any objection to Appellants' request for a 60-day extension of time to file their Reply Brief. On March 14, 2013, Appellees' counsel responded, stating that Appellees would not oppose Appellants' request provided that any oral argument would not be scheduled between June 12 and June 21, 2013, or August 15 and August 23, two periods when counsel for Appellees is scheduled to be out of the office.

6. Appellants have not previously asked for an extension of time to file their Reply Brief.

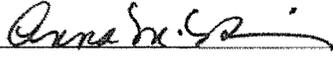
7. Counsel for Appellants have at all times exercised diligence to provide this Court timely and professional briefing. The requested extension of time will enable counsel to continue to do so, while at the same time fulfilling their obligations in other courts and other matters.

8. This motion is made in good faith for the reasons of actual need set forth herein and not for the purpose of delay. In fact, it is in Appellants' interest to expedite a resolution of this matter, but not at the expense of the brief's quality.

9. To my knowledge, the requested extension will not prejudice any party.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 14th day of March 2013 at Long Beach, California.



Anna M. Barvir
Counsel for Appellants

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2013, an electronic PDF of **APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF; DECLARATION OF CLINTON B. MONFORT; DECLARATION OF ANNA M. BARVIR** was uploaded to the Court's CM/ECF system, which will automatically generate and send by electronic mail a Notice of Docket Activity to all registered attorneys participating in the case. Such notice constitutes service on those registered attorneys.

Date: March 14, 2013

MICHEL & ASSOCIATES, P.C.

/s/ C. D. Michel

C. D. Michel

Attorney for Plaintiffs-Appellants