

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

DANIEL BINDERUP, et al.)	
)	
Plaintiff – Appellee –)	
Cross-Appellant,)	
)	
v.)	
)	Nos. 14-4549, 14-4550
ERIC H. HOLDER, JR., Attorney General of the United States; and B. TODD JONES, Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives,)	
)	
Defendants – Appellants –)	
Cross-Appellees.)	

JOINT MOTION TO REVISE THE BRIEFING SCHEDULE

The parties move to revise the briefing schedule to provide defendants-appellants a 30-day extension of time to file their opening brief, to and including February 19, 2015, and to provide plaintiffs-appellees-cross-appellants an extension of time to file their opening brief on or before March 30, 2015.

1. Pursuant to this Court’s scheduling order, defendants’ opening brief is due on January 20, 2015. Neither party has previously requested an extension of time in this matter.

2. The proposed revision to the briefing schedule is necessary to allow time for the parties to prepare and file their briefs. The attorneys with principal responsibility

for preparing defendants' brief, Patrick Nemeroff and Michael Raab, have a number of deadlines and other obligations that make it difficult to prepare and file the brief under the current schedule. Mr. Nemeroff was recently out of the office on a previously planned vacation from December 25, 2014 through January 5, 2015. Mr. Nemeroff is scheduled to present oral argument on February 6, 2015 in *Paluck v. U.S. Dep't of Health & Human Services*, No. 14-5080 (Fed. Cir.). Also, along with three other attorneys, Mr. Nemeroff has principal responsibility for preparing the government's briefs in a number of other cases, including *Archdiocese of St. Louis v. Burwell*, No. 14-3016 (8th Cir.) (brief due Jan. 8); *Wheaton College v. Burwell*, No. 14-2396 (7th Cir.) (brief due Jan. 12); *Priests for Life v. U.S. Dep't of Health & Human Services*, No. 13-5368 (D.C. Cir.) (opposition to en banc petition due Jan. 15). Mr. Raab is supervising attorneys in a number of cases with upcoming deadlines, including *United States ex rel. Purcell v. MWI Corp.*, Nos. 14-5210, 14-5218 (D.C. Cir.) (opening brief due Jan. 14, as extended); *McCardell v. U.S. Department of Housing and Urban Development*, No. 14-40955 (5th Cir.) (response brief due Jan. 21, 2015, as extended); *Parsons v. U.S. Dep't of Justice*, No. 14-1848 (6th Cir.) (response brief due Jan. 28, as extended); *Conservative Baptist Assoc. of America, Inc. v. McDonald*, No. 14-5155 (D.C. Cir.) (response brief due Jan. 30, 2015, as extended); *Habeas Corpus Recourse Ctr. v. U.S. Dep't of Justice*, No. 14-16928 (9th Cir.) (opening brief due Feb. 11, as extended).

3. If the government's briefing deadline is extended until February 19, 2015, plaintiff would face a number of deadlines that would make the preparation of his opening brief difficult by the consequent March 24 deadline. The attorney with principal responsibility for preparing plaintiff's brief, Alan Gura, is set to re-argue *Dearth v. Holder*, No. 12-5305 (D.C. Cir.), on March 5, and must file the Appellees/Cross-Appellants' brief in *Ezell v. City of Chicago*, No. 14-3312/14-3322 (7th Cir.) on March 16 (as extended), in addition to numerous other professional and teaching obligations during this time period.

CONCLUSION

For the foregoing reasons, we ask that the Court grant the motion to revise the briefing schedule pursuant to which defendants-appellants will file their opening brief on or before February 19, 2015, and plaintiffs-appellees-cross-appellants will file their opening brief on or before March 30, 2015.

Respectfully submitted,

/s/ Alan Gura
ALAN GURA
(703) 835-9085
Gura & Possesky, PLLC
105 Oronoco Street, Suite 305
Alexandria, VA 22314

MICHAEL S. RAAB
/s/ Patrick G. Nemeroff
PATRICK G. NEMEROFF
(202) 305-8727
Attorneys, Appellate Staff
Civil Division, Room 7217
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

JANUARY 2015

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2015, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Patrick G. Nemeroff
PATRICK G. NEMEROFF