

NO. 14-3091

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

ARIE FRIEDMAN, M.D. and)	Appeal from the United States District
THE ILLINOIS STATE RIFLE)	Court for the Northern District of
ASSOCIATION,)	Illinois, Eastern Division
)	
Plaintiffs-Appellants,)	No. 1:13-cv-09073
)	
vs.)	
)	The Honorable John W. Darrah,
CITY OF HIGHLAND PARK,)	Presiding Judge
)	
Defendant-Appellee.)	
)	

MOTION FOR LEAVE TO FILE APPELLEE'S APPENDIX INSTANTER

Now comes Defendant-Appellee, the City of Highland Park, by and through its counsel, Christopher B. Wilson of Perkins Coie LLP, and requests leave of this Court to file its Appendix in this matter *instanter* pursuant to Rule 26 of the Federal Rules of Appellate Procedure. In further support of this Motion, Appellee states as follows:

1. Defendant-Appellee's Response Brief was due on December 3, 2014. In preparing that brief, Appellee's counsel also prepared a separate appendix of key documents from the District Court record.
2. Appellee's Appendix includes seven documents and 118 pages of material, including the Cover Page and Certificate of Service.
3. Defendant-Appellee timely filed its Response Brief electronically late last night.

4. When attempting to file the separate Appendix, however, the electronic file was too large for the ECF system. Our firm needed to divide the Appendix into two separate files and resubmit the materials.

5. This process resulted in the Appendix being loaded into the Seventh Circuit's ECF system at 12:02 am, three minutes beyond the deadline established by this Court for a timely filing of the Appendix.

6. Appellee's Brief was timely filed. The Appendix to that Brief was not. By accepting the brief *instanter*, however, this Court will be able to have the supporting documents in a more convenient form. The good cause for this late filing was the result of unforeseen difficulties with the electronic filing system and not for any other reason. All counsel have been served with both the Brief and the Appendix and have not suffered any prejudice as a result of this untimely filing, nor would they be prejudiced by the Court permitting the Appendix to be filed *instanter*.

7. The Affidavit of Christopher B. Wilson is attached in support of this Motion.

WHEREFORE, Defendant-Appellee, the City of Highland Park, respectfully requests an order of this Court permitting it to file its Appendix of supporting documents *instanter*.

DATE: December 4, 2014

Respectfully Submitted,

By: /s/ Christopher B. Wilson
One of the Attorneys for
Defendant-Appellee

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AFFIDAVIT OF CHRISTOPHER B. WILSON

I, Christopher B. Wilson, hereby declare as follows

1. Defendant-Appellee's Response Brief was due on December 3, 2014. In preparing that brief, Appellee's counsel also prepared a separate appendix of key documents from the District Court record.
2. Appellee's Appendix includes seven documents and 118 pages of material, including the Cover Page and Certificate of Service.
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6. All counsel have been served and have not suffered any prejudice as a result of this untimely filing, nor would they be prejudiced by the Court permitting the Appendix to be filed *instanter*.

7. This is Defendant-Appellee's first request for an exception to any of the deadlines established for this appeal.

8. Further Affiant sayeth not.

DATE: December 4, 2014

s/ Christopher B. Wilson
Christopher B. Wilson

CERTIFICATE OF SERVICE

I certify that on December 4, 2014, I electronically filed the foregoing MOTION FOR LEAVE TO FILE APPELLEE'S APPENDIX INSTANTER with the Clerk of Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ Christopher B. Wilson

Christopher B. Wilson

Dated: December 4, 2014