

No. 12-57049

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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DOROTHY MCKAY et al.,

*Plaintiffs-Appellants,*

v.

SHERIFF SANDRA HUTCHENS, et al.,

*Defendants-Appellees.*

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
(SACV 12-1458JVS)

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**APPELLANTS' MOTION FOR EXTENSION OF TIME  
TO FILE REPLY BRIEF; DECLARATION OF SEAN A. BRADY**

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C. D. Michel (S.B.N. 144258)  
Glenn S. McRoberts (S.B.N. 144852)  
Sean A. Brady (S.B.N. 262007)  
Anna M. Barvir (S.B.N. 268728)  
MICHEL & ASSOCIATES, P.C.  
180 East Ocean Blvd., Suite 200  
Long Beach, CA 908502  
Tel. No. (562) 216-4444  
Fax No: (562) 216-4445  
e-mail: cmichel@michellawyers.com

**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 thirty day extension, through and including March 4, 2013, to file their Reply Brief.

After not opposing Appellees request to extend time to file their answering brief, Appellants' Reply Brief is currently due on January 31, 2013. As set forth below in the Declaration of Sean A. Brady, however, an extension of that deadline has become necessary. Accordingly, counsel for Appellants contacted Appellees' counsel to inquire whether they opposed an extension to file Appellants' Reply Brief. Appellees' counsel stated they had no opposition.

Appellants hereby request, therefore, that this Court grant a thirty (30) day extension, through and including March 4, 2013, or, alternatively, a shorter extension for a period of time the Court deems appropriate, for Appellants to file their Reply Brief.

Date: January 24, 2013

**MICHEL & ASSOCIATES, P.C.**

/s/ C. D. Michel

C. D. Michel

Attorney for Plaintiffs/Appellants

DECLARATION OF SEAN A. BRADY IN SUPPORT  
OF MOTION FOR EXTENSION OF TIME TO FILE  
APPELLANTS' REPLY BRIEF

I, Sean A. Brady, 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 Dorothy McKay, et al. I am the attorney primarily responsible for 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. Appellants' Reply Brief is due on January 31, 2013.

3. Due to the extensive workload of Appellants' counsel, Appellants request a 30-day extension to file their Reply Brief.

4. Other matters, both professional and personal, have consumed much of my time in the past week, which matters I anticipate continuing to consume my time in the coming week, 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 included, but are not limited to:

a. In the case of *Bauer v. Harris*, No. 11-cv-01440-LJO (E.D. Cal), attempting to informally resolve a discovery dispute, which required last

week, and will further require this week and next, extensive telephonic conversations with opposing counsel, review of what was requested and what was provided in order to discuss with opposing counsel what is expected to be produced and what was not, and, among other things, preparation therefor.

b. Assisting in preparing an opening appellate brief in *Jackson v. City and County of San Francisco*, No. 12-17803 (9th Cir.), which is due by February 7, 2013.

c. Representing a client in opposing efforts by the City of Glendale, California to terminate his business, which included analyzing the proposed measures by the city to terminate his business, preparing letters outlining my client's position, coordinating with supporters of his business in opposing the measures, traveling between Long Beach and the City of Glendale to attend a city council meeting where the City of Glendale's proposed measures for terminating my client's business was on the agenda to address the council about my client's position, which meeting began at 5:00 p.m. and did not end until approximately 9:45 p.m., and preparation for that meeting.

5. In light of such workload, Respondents' counsel was contacted on January 24, 2013 regarding any objection to Appellants' request for an extension of time to file their Reply Brief. Respondents' counsel expressly stated in that

they had no objection to providing Appellants with an extension of time for Appellants to file their Reply Brief.

6. Appellants' have not previously asked for any other 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 briefing'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 24th day of January 2013 at Long Beach, California.

/s/Sean A. Brady  
Sean A. Brady  
Counsel for Appellants

**CERTIFICATE OF SERVICE**

I hereby certify that on January 24, 2013, an electronic PDF of **APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF; DECLARATION OF SEAN A. BRADY** 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: January 24, 2013

**MICHEL & ASSOCIATES, P.C.**

/s/ C. D. Michel

C. D. Michel

Attorney for Plaintiffs-Appellants