

No. 07 – 15763 [DC# CV 99-4389-MJJ]

IN THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

RUSSELL ALLEN NORDYKE; et al.,
Plaintiffs - Appellants,

vs.

MARY V. KING; et al.,
Defendants - Appellees.

APPEAL FROM THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**APPELLANTS' MOTION TO EXTEND TIME
TO FILE PETITION FOR REHEARING/*EN BANC* REVIEW**

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**Counsel of Record*

To the Clerk of the Court:

Pursuant to Adv. Comm. Notes to Circuit Rules 35-1 to 35-3 and 40-1; General Order 6.3.a, Appellant/Plaintiffs hereby requests that the Clerk of the Court grant a seven (7) calendar day extension of time to file a Petition for Panel Rehearing and/or Petition for Rehearing *En Banc*.

The current due date for any filing would May 16, 2011. Appellant/Plaintiffs hereby request a new due date of May 23, 2011.

Good cause exists for the extension of time as the issues raised in this case are complex, unique and consequential. Adequate presentation of the issues in the petitions will required the additional time because Counsel of Record for the Appellants is a solo practitioner and must attend to other pending matters for other clients at the same time he is preparing this new filing.

An extension of time would not be prejudicial to the Appellee/Defendants as they are not subject to any pending orders or payments of any kind.

Respectfully Submitted on May 12, 2011,

_____/s/_____

Donald Kilmer, Attorney for Appellants.

CERTIFICATE OF SERVICE

On May 12, 2011, I served the foregoing APPELLANTS' MOTION TO EXTEND TIME TO FILE PETITION FOR REHEARING/EN BANC REVIEW by electronically filing it with the Court's ECF/CM system, which generated a Notice of Filing and effects service upon counsel for all parties in the case. [By agreement, hard-copy service of County Counsel Richard Winnie has been previously waived by T. Peter Peirce, Attorney of Record for Appellees.]

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

Executed this May 12, 2011.

/s/ Donald Kilmer

Attorney of Record for Appellants