

17-56081

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**VIRGINIA DUNCAN, et al.,**

Plaintiffs and Appellees,

**v.**

**XAVIER BECERRA, in his official  
capacity as Attorney General of the State of  
California,**

Defendant and Appellant.

On Appeal from the United States District Court  
for the Southern District of California

No. 17-cv-1017-BEN-JLB  
The Honorable Roger T. Benitez, Judge

**DECLARATION OF COUNSEL IN SUPPORT  
OF UNOPPOSED MOTION FOR EXTENSION  
OF TIME TO FILE APPELLANT'S OPENING  
BRIEF**

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I, Alexandra Robert Gordon, declare under penalty of perjury as follows:

I am a Deputy Attorney General for the State of California and represent defendant-appellant Attorney General Kamala D. Harris in this appeal.

Pursuant to Ninth Circuit Rule 3-3, defendant-appellant's opening brief is currently due on August 24, 2017. I request an extension of 29 days, to and including September 22, 2017, in which to file the opening brief in this case.

I have not sought any previous extensions. I have spoken to counsel for plaintiff-appellee, Anna M. Barvir, and she has no objection to this request for extension of time.

I am unable to meet the current deadline for filing the opening brief because of my work on previously assigned cases and the complexity of the present case. Specifically, I am involved in active litigation in *Yohn v. California Teachers Association*, Case No. 8:17-cv-00202-JLS-DFM (C.D. Cal.), in which I am required to take and defend numerous depositions as well as propound and respond to written discovery. I am also the primary attorney in *Wiese v. Becerra*, 2:17-cv-00903-WBS-KJN (E.D. Cal.), in

which a responsive pleading is due on August 17, 2017. I also have oral argument before this Court in *Safari Club International v. Becerra*, Case No. 16-15255 on September 14, 2017. In addition to these cases, I am also lead counsel in a number of other matters that demand attention during the next month and I am also responsible for completing a number of time-sensitive projects for the Attorney General.

Moreover, the order granting preliminary injunction is 66 pages long and it will take considerable time to analyze and respond to the analysis and arguments set forth by the district court.

Further, due to the fact that it is the summer, and many people are away, I do not have sufficient staff to support me and it is more difficult to get my work reviewed in a timely manner.

Given the press of these matters and of my caseload generally and the complexity of this case, I require additional time to permit me to best serve the Court by adequately addressing the issues in this appeal.

I therefore respectfully request that this Court grant me an extension of 29 days, to and including September 22, 2017, in which to file the opening brief.

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Executed at San Francisco, California, on August 2, 2017.

*/s/ Alexandra Robert Gordon*

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ALEXANDRA ROBERT GORDON  
Deputy Attorney General