

No. 17-56081

In the United States Court of Appeals
For the Ninth Circuit

VIRGINIA DUNCAN, et al.,
Plaintiffs-Appellees,

v.

XAVIER BECERRA, in his official capacity
as Attorney General of the State of California,
Defendant-Appellant.

On Appeal from the United States District Court
For the Southern District of California
(17-cv-1017-BEN-JLB)

**UNOPPOSED MOTION FOR EXTENSION
OF TIME TO FILE APPELLEES' RESPONSE BRIEF;
DECLARATION OF ANNA M. BARVIR IN SUPPORT**

C.D. Michel (S.B.N. 144258)
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 90802
(562) 216-4444
cmichel@michellawyers.com

Erin E. Murphy
Kirkland & Ellis, LLP
655 Fifteenth Street, NW
Washington, DC 20005
(202) 879-5000
erin.murphy@kirkland.com

Counsel for Plaintiffs-Appellees

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

Under rule 26(b) of the Federal Rules of Appellate Procedure and Circuit Rule 31-2.2, Plaintiffs-Appellees hereby request a 32-day extension of time to file Appellee's Response Brief. Substantial need and grounds for the extension are set forth in the attached declaration of counsel. Barvir Decl. ¶¶ 5-15.

Defendant-Appellant's counsel, Ms. Alexandra Robert-Gordon, has stated that her client has no objection to this request for extension of time. Barvir Decl. ¶ 4.

Plaintiffs-Appellees thus respectfully request that this Court grant an extension of time to and including December 15, 2017, in which to file their Response Brief.

Date: October 24, 2017

MICHEL & ASSOCIATES, P.C.

/s/ Anna M. Barvir
Anna M. Barvir
Counsel for Plaintiffs-Appellees

DECLARATION OF ANNA M. BARVIR

I, Anna M. Barvir, declare under penalty of perjury as follows:

1. I am an attorney for Michel & Associates P.C., and represent Plaintiffs-Appellees Virginia Duncan, et al., in this appeal.

2. Pursuant to Ninth Circuit Rule 3-3 regarding preliminary injunction appeals, Plaintiffs-Appellees' Response Brief is currently due on November 13, 2017. I request an extension of 32 days, to and including December 15, 2017, in which to file Plaintiffs-Appellees' brief in this case.

3. I have not sought any previous extensions in this matter.

4. On October 23, 2017, I e-mailed counsel for Defendant-Appellant, Ms. Alexandra Robert-Gordon, asking whether her client would oppose this request for extension of time. On October 24, 2017, Ms. Robert-Gordon responded, stating that she would not oppose this request.

5. I am unable to meet the current deadline for filing Plaintiffs-Appellees' Response Brief because of my work on various matters, the complexity of this appeal, and an upcoming vacation.

6. I have oral argument before this Court in *Wright v. Beck*, No. 15-5805, on November 9, 2017.

7. I am also actively briefing the appeal of *Belemjian v. Becerra*, No. 15-CECG-00029, before the California Court of Appeal. In that matter, I currently have a briefing deadline of November 20, 2017.

8. I am also the attorney primarily responsible for the litigation of this matter as it continues before the trial court. It is currently in the discovery phase. Expert rebuttals are due on November 3, 2017, and I will be preparing (and potentially responding to) written discovery in the coming weeks.

9. In addition to these cases, I am lead counsel in several other matters that demand attention during the next month. And I am responsible for completing various time-sensitive projects including responding to a motion to dismiss, finalizing complaints, and briefing motions for preliminary injunction in other matters for which I serve as assistant trial counsel.

10. Moreover, there are seven amicus briefs filed on behalf of Defendant-Appellant, totaling approximately 331 pages. It will take considerable time to review and analyze the arguments and new factual material presented in each of these briefs and to prepare appropriate responsive briefing.

11. Furthermore, I am on a pre-paid vacation from November 12, 2017, to November 17, 2017.

12. I thus require additional time to prepare Plaintiffs-Appellees' Response Brief to best serve the Court by adequately addressing the important issues on appeal. This request is made in good faith and not for the purpose of delay.

13. I therefore respectfully request that this Court grant an extension of 32 days, to and including December 15, 2017, in which to file Plaintiffs-Appellees' Response Brief.

Executed at Long Beach, California, on October 24, 2017.

/s/ Anna M. Barvir

Anna M. Barvir

Declarant

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2017, an electronic PDF of UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE APPELLEES' RESPONSE BRIEF; DECLARATION OF ANNA M. BARVIR IN SUPPORT 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: October 24, 2017

MICHEL & ASSOCIATES, P.C.

/s/ Anna M. Barvir
Anna M. Barvir
Counsel for Plaintiffs-Appellees