

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**

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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 21-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. ¶¶ 4-11.

Plaintiffs-Appellees have been granted one previous extension for 30 days. Barvir Decl. ¶ 2. 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. ¶ 3.

Plaintiffs-Appellees thus respectfully request that this Court grant an extension of time to and including January 5, 2018, in which to file their Response Brief.

Date: December 6, 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, and after the Court granted two deadline extensions to Appellant and one to Appellees, Appellees' Response Brief is currently due on or before December 15, 2017. I request an additional extension of 21 days, to and including January 5, 2018, in which to file Appellees' brief in this matter.
3. On December 6, 2017, I contacted Ms. Alexandra Robert Gordon, counsel for Appellant, via e-mail asking whether her client would oppose this request for extension of time. Ms. Gordon responded that she would not oppose this request.
4. 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 the upcoming holidays.
5. I am currently briefing the appeal of *Parker v. California*, Case No. F064510, before the California Court of Appeal. In that matter, I currently have a briefing deadline of December 18, 2017.
6. I am also working on preparing additional evidence and briefing recently requested by the superior court in a fee dispute in *Parker v. California*, Case No.

10CECG02116. In that matter, I must submit evidence and documentation this week, and I have a briefing deadline of December 28, 2017.

7. 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. I have been propounding and responding to significant written discovery, responses to which are currently due on December 26, 2017, and January 2, 2018. I have also been actively negotiating an expert witness deposition schedule with opposing counsel in the trial court, with depositions to be held December 18-20, 2017, as well as during the first two weeks of January 2018.

8. 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 assisting with various time-sensitive projects including finalizing a complaint and briefing a motion for preliminary injunction in other matters for which I serve as assistant trial counsel.

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

10. I thus require additional time to prepare 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.

11. I therefore respectfully request that this Court grant an extension of 21 days, to and including January 5, 2018, in which to file Appellees' Response Brief.

Executed at Long Beach, California, on December 6, 2017.

/s/ Anna M. Barvir

Anna M. Barvir

Declarant

CERTIFICATE OF SERVICE

I hereby certify that on December 6, 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: December 6, 2017

MICHEL & ASSOCIATES, P.C.

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