

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 REPLY  
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 Xavier Becerra in this appeal.

Pursuant to Ninth Circuit Rule 3-3, and the Orders of this Court, appellant's reply brief is currently due on January 26, 2018. I request an extension of 12 days, to and including February 7, 2018, in which to file the reply brief in this case.

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

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 now lead counsel in the appeal and cross appeal in *Thomas More Law Center v. Becerra*, Case Nos. 16-56855 & 16-56902, in which our Third Brief is due on January 19, 2018. I am also lead counsel in the district court action in *Duncan v. Becerra*, No. 17-cv-1017-BEN-JLB, which is proceeding simultaneously with this appeal, and in

which I am required to take and defend numerous depositions as well as respond to written discovery by February 2, 2018. I am also the primary attorney in *Wiese v. Becerra*, 2:17-cv-00903-WBS-KJN (E.D. Cal.), in which a reply brief on defendants' motion to dismiss is due on January 29, 2018. 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 projects for the Attorney General.

Moreover, there have been five amicus briefs filed in support of plaintiffs and it will take considerable time to review and respond to the analysis and arguments set forth by amici.

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 12 days, to and including February 7, 2018, in which to file the replybrief.

Executed at San Francisco, California, on January 16, 2018.

s/ Alexandra Robert Gordon

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ALEXANDRA ROBERT GORDON  
Deputy Attorney General