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**UNITED STATES COURT OF APPEALS
NINTH CIRCUIT**

GEORGE K. YOUNG JR,)	
)	
Plaintiff-Appellant,)	No. 12-17808
vs.)	
STATE OF HAWAII ET. AL.)	CASE No. CV12-00336 HG BMK
Defendants - Appellees.)	

DECLARATION OF ALAN ALEXANDER BECK

1. My name is Alan Alexander Beck and I represent George K. Young, Jr. I am an adult male resident of the State of California and am competent to testify as to matters herein.
2. I have contacted counsel for both Defendants, Mr. Neal Katyal, and he does not oppose this extension request of thirty (30) days.
3. Before this Court issued an Order directing Mr. Young to provide a response to Defendants' Petition for Rehearing En Banc, my co-counsel and I

began to draft Mr. Young's Response. When the Defendants' filed their Petition, we believed that we were in a good position to have Mr. Young's Response filed within the timeframe ordered by this Court.

4. Afterwards, four amicus briefs were filed in this matter on September 24, 2018, which necessitated additional research, review and analyzing.

5. Given the complexity of issues, the new Attorney General's opinion, and additional information and argument presented by amici for Defendants, it has become necessary to request from this Court an additional amount of time, not to exceed thirty (30) days, in which to fully and fairly respond to the Petition.

6. Mr. Richard Holcomb, an attorney involved in a case that I am also involved in, will be arguing *Andrew Roberts v. City & County of Honolulu*, Case No. 16-16179, before the Ninth Circuit on October 9, 2018. This is a highly complex attorneys fee appeal from the district court's attorneys' fee award pursuant to 42 U.S.C. § 1988 following a settlement of a 42 U.S.C. § 1983 action. Mr. Holcomb will be arguing that the hourly rate consistently awarded to myself and Mr. Holcomb in civil rights litigation is far below the market rate of Hawaii. Due to the highly technical and personally important nature of this litigation, Mr. Holcomb and I will be engaged in intense preparation and moot court. Thus, given the timing of the oral argument in *Andrew Roberts v. City & County of Honolulu*, and the massively important response due in this matter, an extension of time to prepare this response is warranted.

7. I am a solo practitioner in the San Diego area. I am also the primary author of briefing in Mr. Young's matter.

8. I also have several cases with deadlines which require my attention in the next few weeks that will take away much needed time, if the extension is not granted, from the preparation of Mr. Young's response.

9. I anticipate a Motion to Dismiss will be filed in *Daniel Umbert v. United States of America*, Civil Action No. 1:18-cv-01336-TSC, on or before October 2, 2018. This is a case my co-counsel and I are litigating in the United States District Court for the District of Columbia and will require a great deal of research and drafting for a response that will be due soon after the filing.

10. I am also engaged in intense settlement negotiations in a personal injury matter in a state court in California. Additionally, my cousin's grandfather is having some health issues which require immediate legal assistance.

11. My co-counsel and I have also been litigating a case in the Northern District of New York, Albany Division, in a highly contested electric arms case styled: *Matthew Avitabile v. Lt. Col. George Beach*, Civil Action No. 1:16-cv-1447 (DNH/CFH). The Opposition and Reply to Defendant's Cross Motion for Summary Judgment was filed on September 17, 2018.

12. I am currently in Washington, D.C. on business which was planned before Defendants filed their Petition and before the Order requiring a response in this instant matter. I return to San Diego on October 1, 2018 at 10:41 PM.

13. This motion is not brought for purposes of delay or harassment, but so that justice may be done. Additionally, I declare that I have diligently worked on preparing Mr. Young's response and that the response will be filed within the time requested.

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

DATED: Washington, D.C., September 30, 2018.

/s/ Alan Alexander Beck

Alan Alexander Beck