

No. 17-17144 [Dist Ct. No.: 5:15-cv-03698-EJD]

IN THE
UNITED STATES COURT OF APPEAL
FOR THE NINTH CIRCUIT

LORI RODRIGUEZ; et al.,
Plaintiffs - Appellants,

vs.

CITY OF SAN JOSE; et al.,
Defendants - Appellees.

APPEAL FROM THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**Unopposed Motion & Notice:
Extend Time for Briefing | Amicus Consent**

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**Counsel of Record for Plaintiff - Appellants*

Motion

Appellants hereby request a 30-day extension of time to file their opening brief and excerpt of record.

Notice: Amicus Consent

Pursuant to FRAP 29, the parties hereby consent to amicus supporting either/both parties.

Declaration of Counsel

I, Donald Kilmer, declare as follows:

1. I am attorney of record in this matter for the Appellants.
2. Appellant/Plaintiffs have completed the Excerpt of Record and are preparing their opening brief in this matter.
3. The current scheduling order requires Appellant/Plaintiffs' brief and excerpt of record to be filed on or before January 29, 2018; with Appellees' Answering Brief due February 27, 2018 and option reply due 21 days later.
4. I have discussed this extension of time with Counsel of Record for Appellees and they are unopposed to the following revised schedule:

- A. Appellants' opening brief and excerpt of record shall be filed and served by February 27, 2018.
 - B. Appellees' answering brief and excerpt of record shall be due March 27, 2018.
 - C. Appellants' optional reply brief shall be due 21 days after service of appellees' answering brief.
- 4. This is the first request by Appellant/Plaintiffs for an extension of time.
 - 5. Counsel of record also meet and conferred on amicus briefing and both parties consent to amicus in support of either/both parties.
 - 6. I have an email in my file from Counsel for Appellees (Margo Laskowska) in which she states that she does not oppose this extension of time and that her clients consent to amicus briefing.

Date: January 5, 2018

/s/ Donald Kilmer

Donald Kilmer for Appellants

CERTIFICATE OF SERVICE

On January 5, 2018, I served the foregoing **Unopposed Motion & Notice: Extend Time for Briefing | Amicus Consent**, by electronically filing it with the Court's ECF/CM system, which generated a Notice of Filing and effects service upon counsel for all parties in the case.

I declare under penalty of perjury that the foregoing is true and correct. Executed January 5, 2018.

/s/ Donald Kilmer

Attorney for Appellants