

No. 20-56233

*In the
United States Court of Appeals
for the Ninth Circuit*

JONAH MARTINEZ, et al.,

Plaintiffs–Appellants,

v.

ALEX VILLANUEVA, et al.,

Defendants–Appellees.

Appeal from the United States District Court
for the Central District of California
The Honorable André Birotte Jr.
Case No. 2:20-cv-02874-AB-SK

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
PLAINTIFFS-APPELLANTS' OPENING BRIEF; DECLARATION
OF RAYMOND M. DIGUISEPPE**

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

Under Federal Rule of Appellate Procedure 26(b) and Circuit Rule 31-2.2, Plaintiffs-Appellants respectfully request a 14-day extension of time to file Plaintiffs-Appellants' Opening Brief. Substantial need and grounds for the extension are set forth in the attached declaration of counsel. DiGuiseppe Decl. ¶¶ 4-7.

Plaintiffs-Appellants have been granted one previous extension for 30 days. DiGuiseppe Decl. ¶ 2. Defendants-Appellees' counsel, Paul B. Beach, has stated that he has no objection to this request for an extension of time.

If the request is granted, the briefing schedule should be modified to provide a corresponding 14 additional days for the Defendants-Appellees' to file the Answer Brief. Plaintiffs-Appellants therefore also request that the due date for Defendants-Appellees' Answer Brief be extended from March 22, 2021 to April 5, 2021. DiGuiseppe Decl. ¶ 3.

WHEREFORE, Plaintiffs-Appellants respectfully request that this Court grant an extension of time to and including March 4, 2021, in which to file the Opening Brief, and that the due date for Defendants-Appellees' Answer Brief be accordingly extended to and including April 5, 2021.

Dated: February 11, 2021

Respectfully submitted,

/s/ Raymond M. DiGuiseppe
Raymond M. DiGuiseppe
Counsel for Plaintiffs-Appellants

DECLARATION OF RAYMOND M. DIGUISEPPE

I, Raymond M. DiGuiseppe, declare under penalty of perjury as follows:

1. I am an attorney at The DiGuiseppe Law Firm, P.C. and represent Plaintiffs-Appellants Jonah Martinez, et al., in this appeal.

2. Plaintiffs-Appellants' Opening Brief was initially due on January 19, 2021 and is currently due on February 18, 2021, after one 30-day extension. I request a further extension of 14 days, to and including March 4, 2021, in which to file the Opening Brief in this case.

3. Defendants-Appellees' counsel, Paul B. Beach, has stated that he has no objection to this request for an extension of time, although the due date for the Answer Brief should be extended accordingly.

4. An extension is necessary because I am unable to meet the current deadline for filing Plaintiffs-Appellants' Opening Brief due to the complexity of this appeal and my contemporaneous work on various other time-sensitive matters.

5. I currently have an opening brief due in *McDougall v. County of Ventura*, case no. 20-56220, due to this Court the same day as the opening brief in the instant case.

6. I must also prepare oppositions to motions to dismiss in *Ennis v. County of Sumner, TN*, U.S.D.C. M.D. Tenn., Case No3:20-cv-805, due February 11, 2021, and in *Renna v. Becerra*, U.S.D.C., SD Cal., Case No. Case No. 20-cv-2190, due February 15, 2021. Further, over the last week, I have had to complete an entire round of written discovery requests in *Fetsurka v. Outlaw*, U.S.D.C., E.D.Pa., Case No. 20-5857, which were due yesterday, February 10, 2021.

7. Additionally, there have been several recent developments in related cases across the country, and it has taken considerable time to review and analyze the holdings and reasoning behind these cases, as well as their application to the instant case.

8. Plaintiffs' counsel has exercised diligence in pursuing this appeal. Counsel will file the opening brief within the time requested.

9. To my knowledge, the court reporter is not currently in default with regard to any designated transcripts.

10. I respectfully request that this Court grant an extension of 14 days, to and including March 4, 2021, in which to file Plaintiffs-Appellants' Opening Brief.

Executed this 11th day of February 2021.

/s/ Raymond M. DiGuiseppe
Raymond M. DiGuiseppe
Counsel for Plaintiffs-Appellants

CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2021, an electronic PDF of UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE PLAINTIFFS-APPELLANTS' OPENING BRIEF, and DECLARATION OF RAYMOND M. DIGUISEPPE 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. No privacy redactions were necessary.

Dated this 11th day of February 2021.

/s/ Raymond M. DiGuiseppe
Raymond M. DiGuiseppe