

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

Form 14. Motion for Extension of Time

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form14instructions.pdf>

9th Cir. Case Number(s)

Case Name

Requesting Party Name(s)

I am:  The party requesting the extension.  
 Counsel for the party or parties requesting the extension.

I request an extension of time to file a:

- Brief (*you must also complete the Declaration on page 3*)
- Motion to proceed in forma pauperis
- Motion for a certificate of appealability
- Response/opposition to a pending motion
- Reply to a response/opposition to a pending motion
- Certified Administrative Record
- Response to court order dated
- Other (*you must describe the document*)

The requested new due date is:

I request the extension of time because (**cannot be left blank**):  
(attach additional pages if necessary)

Please see attachment.

Signature  Date

(use "s/[typed name]" to sign electronically-filed documents)

Feedback or questions about this form? Email us at [forms@ca9.uscourts.gov](mailto:forms@ca9.uscourts.gov)

**Recitals in criminal and immigration cases pursuant to Circuit Rule 27-8**  
*Complete this section for criminal or immigration cases.*

Previous requests for extension of time to file the document, including any request for a Streamlined Extension of Time under Circuit Rule 31-2.2(a) (*select one*):

- I have **NOT** filed a previous request to extend time to file the document.
- I have previously requested an extension of time to file the document.

This motion is my  request.  
(Examples: *first, second*)

Bail/detention status (*select one*):

- The defendant is incarcerated. The projected release date is: .
- The petitioner is detained.
- The defendant/petitioner in this criminal/immigration case is at liberty.

**Signature**  **Date**   
(use "s/[typed name]" to sign electronically-filed documents)

**Declaration in support of extension to file brief under Circuit Rule 31-2.2(b)**  
*Complete this section if you are requesting an extension of time to file a brief.*

1. I request an extension of time to file the  brief.

*(Examples: opening, answering, reply, first cross-appeal)*

2. The brief's current due date is:

3. The brief's first due date was:

4. A more detailed explanation of why the extension of time to file the brief is necessary: *(Under Circuit Rule 31-2.2(b), a request for extension of time to file a brief must be "supported by a showing of diligence and substantial need" and a conclusory statement as to the press of business does not constitute such a showing. Attach additional pages if necessary.)*

5. The position of the other party/parties regarding this request is:

Unopposed.

Opposed by *(name of party/parties opposing this motion)*:

Unknown. I am unable to verify the position of the other party/parties because:

6.  The court reporter is not in default with regard to any designated transcripts.

If the court reporter is in default, please explain:

7.  I have exercised diligence and I will file the brief within the time requested.

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

**Signature**

**Date**

*(use "s/[typed name]" to sign electronically-filed documents)*

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## ATTACHMENT TO FORM 14

Appellees respectfully requests a 30-day extension of time to file their answering brief from October 12, 2021 to November 12, 2021. Despite counsel's diligence, this extension is necessary for two reasons.

First, the extension is on behalf of all Appellees—four counties, four cities, and 12 individuals in their official capacities; additional time is needed to coordinate a single, unified submission on behalf of all Appellees.

Second, one of the lawyers primarily responsible for preparing the answering brief is in a trial that began September 27, 2021; the other has had previously unforeseen obligations arise in other matters, including time-sensitive challenges to COVID-19 vaccination mandates. Competing obligations include the following:

- Jury trial starting September 27, 2021 in *Singh v. Santa Clara Valley Medical Center et al.* (Cal. Super.).
- Submissions and appearances in *Santa Clara County Correctional Police Officers Association v. County of Santa Clara*, Charge No. SF-CE-1899-M (California Public Employees Relations Board): Position Statement due on October 4, 2021; Opposition to request for injunctive relief filed September 13, 2021.
- Submissions and appearances in *County of Santa Clara and County Employees Management Association* Case No. SF-IM-239-M (California Public Employees Relations Board): Position Statement due on October 6, 2021; Opposition to request for factfinding filed September 20, 2021.
- Briefing and appearances in *Choates v. County of Santa Clara et al.* (N.D. Cal.): Motion to dismiss filed September 1, 2021; reply brief filed September 22, 2021; discovery matters pending.
- Briefing and appearances in *Mohler v. Simitian, et al.*, No. 21-CV-384330 (Cal. Super.): Demurrer filed September 22, 2021; motion to strike filed September 22, 2021.

Defense counsel has met and conferred with Plaintiffs' counsel, who does not oppose this request, and to whom Defendants anticipate extending similar courtesies as may be requested.