

13-16359

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

**JAMES GRINOLS, EDWARD NOONAN,
THOMAS MacCLERAN, ROBERT
ODDEN, KEITH JUDD,**

Plaintiffs - Appellants,

v.

**ELECTORAL COLLEGE, U.S.
CONGRESS, GOVERNOR OF
CALIFORNIA, SECRETARY OF STATE
OF CALIFORNIA, BARACK OBAMA,**

Defendants - Appellees.

On Appeal from the United States District Court
for the Eastern District of California

No. 12-CV-02997 MCE/DAD
The Honorable Morrison C. England, Jr., Judge

**CALIFORNIA DEFENDANTS-APPELLEES'
MOTION FOR 30-DAY EXTENSION TO FILE
ANSWERING BRIEF**

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California, and Debra Bowen, Secretary
of State of California*

Defendants-Appellees Edmund G. Brown Jr., Governor of the State of California, and Debra Bowen, Secretary of State of California (“California Appellees”) respectfully submit this motion pursuant to Ninth Circuit Rule 31-2.2(b) for a 30-day extension of time in which to file their answering brief, to and including January 29, 2014. In support of this request, George Waters, states:

1. I am the attorney who has primary responsibility for handling this case on behalf of the California Appellees.

2. The answering brief of the California Appellees was previously due on November 29, 2013, but the California Appellees filed a streamlined request for a 30-day extension of time to file the answering brief and that streamlined request was granted. The California Appellees’ answering brief is currently due on December 30, 2013.

3. If this motion is granted, the California Appellees’ answering brief will be due on Wednesday, January 29, 2014. The federal appellees in this action recently were granted a 30-day extension of time until January 29, 2014, in which to file their answering brief. (Dkt. # 24.) Thus I do not believe that the granting of present request will delay resolution of this appeal.

4. There is good cause for the extension because of other commitments that have affected my preparation of the answering brief. I represent the California Secretary of State in USA v. State of California, 12-CV-1427 WBS (E.D. Cal.), an

action involving implementation of the Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”), 42 U.S.C. §§ 1973ff to 1973ff-7. Pursuant to a consent decree, I was responsible for filing a report on efforts to ensure that all 58 counties comply with UOCAVA. That report was filed on December 3, 2013. Immediately thereafter I was charged with analyzing whether the California Department of Justice should prepare an amicus brief in a matter involving a significant election law question. That litigation involves a recent election and is extremely time-sensitive. The analysis must be completed by the end of this week.

5. Significant time is required for review and approval of appellees’ brief by the government entities involved in this case. Due to the holidays and the short remaining time available for preparation of the brief, the California Appellees will need additional time to properly complete this review.

6. I have worked diligently to be able to complete the answering brief prior to December 30, 2013, but in light of the foregoing I will be unable to do so.

7. I discussed this request with Orly Taitz, counsel for Plaintiffs-Appellants, who stated that she would object to the request for a 30-day extension of time unless the “evidence of criminal activity” contained in appellants’ papers were forwarded to the criminal department of the California Attorney General’s office.

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

Dated: December 18, 2013

Respectfully Submitted,

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/s/ George Waters

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