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VIA CM/ECF

January 4, 2021

Hon. Lyle W. Cayce
U.S. Court of Appeals for the Fifth Circuit
Office of the Clerk
F. Edward Hebert Building
600 S. Maestri Place
New Orleans, LA 70130-3408

RE: *Data Marketing P'ship, LP v. U.S. Dep't of Labor*, No. 20-11179

Dear Mr. Cayce:

Pursuant to 5th Cir. R. 31.4.3.1, the government respectfully requests a 30-day Level 1 extension, to and including February 12, 2021, of the deadline to file its opening brief in the above-captioned case. Plaintiffs have consented to the government's extension request.

Additional time is necessary to allow the government adequate time to prepare and review its brief, which is currently due on January 13, 2021. The attorney with principal responsibility for drafting the brief is Michael Shih. Mr. Shih is responsible for reviewing and monitoring many other matters with pressing internal deadlines. The attorney with principal supervisory responsibility for the brief is Mark Stern. Mr. Stern also has supervisory responsibilities on a number of other appellate matters, such as *Trump v. Carroll*, No. 20-3977 (2d Cir.) (opening brief due Jan. 15); *Northpoint Health v. Azar*, No. 20-1799 (8th Cir.) (oral argument scheduled for Jan. 15); *Synopsys v. U.S. Dep't of Labor*, No. 20-16414 (9th Cir.) (response brief due Jan. 27, as extended); *Center for Investigative Reporting v. U.S. Dep't of Labor*, Nos. 20-16416, -16538 (9th Cir.) (response brief due Jan. 27, as extended); *State of Washington v. Trump*, No. 20-36047 (9th Cir.) (opening brief due Jan. 28, as extended). Additional time is also necessary to allow the government adequate time to consult with the Office of the Solicitor General and the U.S. Department of Labor.

For these reasons, the government respectfully requests a 30-day Level 1 extension of time, to and including February 12, 2021, of the deadline to file its opening brief in this case.

Sincerely,

/s/ Michael Shih
Michael Shih
Counsel for Appellants

cc: All counsel by ECF