

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

COOK COUNTY, ILLINOIS, ET AL.,)
)
Plaintiffs-Appellees,)
) No. 21-2561
v.)
)
ALEJANDRO MAYORKAS, ET AL.,) On Appeal from the United States
) District Court for the
Defendants-Appellees,) Northern District of Illinois,
) Eastern Division, No. 19-cv-0633
) (Hon. Gary S. Feinerman)
APPEAL OF: STATE OF TEXAS, ET AL.,)
)
Proposed Intervenors/Appellants.)

**APPELLEES' UNOPPOSED MOTION
FOR EXTENSION OF TIME TO FILE RESPONSE BRIEF**

Pursuant to Federal Rule of Appellate Procedure 26(b) and this Circuit's Rule 26, Appellees Cook County, Illinois; the Illinois Coalition for Immigrant and Refugee Rights, Inc. ("ICIRR"); Alejandro Mayorkas; the United States Department of Homeland Security; Ur M. Jaddou; and the United States Citizenship and Immigration Services respectfully request that this Court grant an additional 45 days, up to and including January 17, 2022, to file their response brief in this appeal. In support of this request, Appellees state the following:

1. This appeal was docketed on August 24, 2021. (Dkt. 1.)
2. On September 27, 2021, Proposed Intervenors/Appellants filed an unopposed motion to extend the time to file their opening brief by 30 days to November 3, 2021. (Dkt. 20.)

3. This Court granted Appellants' unopposed motion, and Appellants filed their opening brief on November 3, 2021. (Dkts. 21, 27.)

4. Under the current briefing schedule set by this Court, Appellees' response brief is due on or before December 3, 2021. (Dkt. 21.)

5. Pursuant to Circuit Rule 26, Appellees have attached to this motion supporting declarations by counsel of record for ICIRR and Cook County setting forth the grounds for this request. In short, counsel for Appellees have and will continue to have substantial and pressing work responsibilities that make it impossible for Appellees to prepare and submit the response brief by December 3, 2021.

6. Appellees therefore request a 45-day extension of time, up to and including January 17, 2022, within which to file their response brief.

7. Counsel for Appellees have conferred with counsel for Appellants regarding this motion. Appellants do **not** oppose the requested extension.

8. This is Appellees' first request for an extension of time within which to file their response brief. It is being filed to ensure that Appellees have adequate time to prepare their response brief and not to delay the proceedings.

DATED: November 23, 2021

Respectfully submitted,

s/ *Tacy F. Flint*

Tacy F. Flint

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s/ Jessica M. Scheller

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and Immigration Services; and U.S.
Citizenship and Immigration Services*

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ALEJANDRO MAYORKAS, ET AL.,)	On Appeal from the United States
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)	Eastern Division, No. 19-cv-06334
)	(Hon. Gary S. Feinerman)
APPEAL OF: STATE OF TEXAS, ET AL.,)	
)	
<i>Proposed Intervenors/Appellants.</i>)	

DECLARATION OF TACY F. FLINT

I, Tacy F. Flint, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a partner of the law firm Sidley Austin LLP and counsel for Illinois Coalition for Immigrant and Refugee Rights, Inc. (“ICIRR”) in this proceeding. I submit this declaration in support of Appellees’ Unopposed Motion for Extension of Time to File Response Brief.

2. Proposed Intervenors/Appellants filed their opening brief in this appeal on November 3, 2021. (Dkt. 27.)

3. Under the current briefing schedule set by this Court, all Appellees must submit their response briefs on or before December 3, 2021. (Dkt. 21.)

4. As counsel of record for Plaintiff-Appellee ICIRR, I will have substantial responsibility for the preparation of the Brief of Plaintiffs-Appellees. The requested extension is needed because other professional commitments will make it impossible

to prepare and submit the Brief of Plaintiffs-Appellees by the date it is currently due.

My professional commitments include the following:

- a. Due November 23: Supplemental brief in support of a petition for certiorari to the United States Supreme Court in *Gannet Co., Inc., et al. v. Quatrone*, No. 20-609. This deadline cannot be moved because it is controlled by the Supreme Court's case distribution schedule and there is no mechanism for seeking an extension.
 - b. On November 30: Oral argument on behalf of Appellee The Barack Obama Foundation in *Protect Our Parks, Inc., et al. v. Buttigieg, et. al.*, No. 21-2449, in the United States Court of Appeals for the Seventh Circuit. This deadline likely cannot be moved because “[o]nce an appeal has been scheduled for oral argument, the court will not ordinarily reschedule it.” 7th Cir. R. 34(b)(4).
 - c. Due December 13: Motion for summary judgement in *Kelly & Kelley, LLC v. Hall, et al.*, No. 15-CH-695 in St. Clair County Circuit Court. This deadline cannot be moved because trial dates and other significant deadlines follow from this deadline.
5. In addition to my professional commitments, my colleagues involved in representing Plaintiffs-Appellees in this matter have substantial professional commitments between now and the current deadline, including responsibility for filing dispositive motions and participating in court hearings.

6. Moreover, counsel for the federal government have informed me that they too have a number of pressing litigation matters requiring their attention in the forthcoming weeks and that an extension is necessary to provide the federal government with adequate time to prepare its response brief.

7. Counsel for Appellants have indicated that they do **not** oppose the requested extension of time.

8. This is Plaintiffs-Appellees' first request for an extension of time within which to file their response brief.

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

DATED: November 23, 2021

Respectfully submitted,

s/ **Tacy F. Flint**

Tacy F. Flint

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*Counsel for Illinois Coalition For
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**DECLARATION OF EDWARD M. BRENER
PURSUANT TO 28 U.S.C. 28 U.S.C. § 1746**

I, Edward M. Brener, under penalty of perjury, declare and testify as follows:

1. I am an Assistant State’s Attorney (“ASA”) in the Affirmative & Complex Litigation Division of the Civil Actions Bureau for the Cook County State’s Attorney’s Office.
2. I am the lead drafter for Cook County, Illinois for the Appellees’ response brief.
3. This declaration is submitted in support of the Appellees’ Unopposed Motion for Extension of Time to File Response Brief.
4. Proposed Intervenors/Appellants filed their opening brief in this appeal on November 3, 2021. (Dkt. 27.)

5. Under the current briefing schedule set by this Court, all Appellees must submit their response briefs on or before December 3, 2021. (Dkt. 21.)

6. My other professional responsibilities will prevent me from preparing and filing the Appellees' brief on or before December 3, 2021. My current responsibilities include the following:

- a. On November 29, 2021, I have an oral argument in the matter *Evans v. Dart, et al.*, 19 CH 2813, pending in the Chancery Division of the Cook County Circuit Court.
- b. Also on November 29, 2021, I will defend a deposition in the federal civil rights matter *Cummings v. Reyes, et al.*, 20 C 3753, pending in the U.S. District Court for the Northern District of Illinois.
- c. On December 3, 2021, I will take a deposition in *Cummings v. Reyes, et al.*
- d. On or before December 3, 2021, I will draft and file a motion to dismiss in the federal civil rights action *Bryant v. Hower, et al.*, 21 C 5153, pending in the U.S. District Court for the Northern District of Illinois.

7. In addition to my professional commitments, my colleagues and the other attorneys of record for Cook County have substantial professional commitments that will impair their ability to meet the court's December 3, 2021 deadline, including oral arguments, the taking and defending of depositions, and motion practice.

8. Appellants do not oppose the requested extension and no parties will be prejudiced if Appellees' motion is granted.

9. This is Appellees' first request for an extension of time to file their response brief.

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

DATED: November 23, 2021

Respectfully submitted,

s/ Edward M. Brener
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Counsel for Cook County, Illinois

CERTIFICATE OF COMPLIANCE

I hereby certify that:

1. This motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 310 words, as reported by the word count function of Microsoft Word, excluding the parts of the motion exempted by Federal Rule of Appellate Procedure 27(a)(2)(B); and

2. This motion complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 27(d)(1)(E) (incorporating by reference the requirements of Federal Rule of Appellate Procedure 32(a)(5), as modified by Circuit Rule 32(b), and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6)), because it has been prepared in a proportionally spaced typeface using Microsoft Word in 12-point Century Schoolbook.

s/ Tacy F. Flint

Tacy F. Flint

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*Counsel for Illinois Coalition For
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CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2021, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Respectfully submitted,

/s/ Tacy F. Flint

Tacy F. Flint

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