

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

21-16696

MARCIANO PLATA, et al.,

Plaintiffs-Appellees,

v.

GAVIN NEWSOM, et al.,

Defendants-Appellants

On Appeal from the United States District Court for the Northern District of California,
Case No. 4:01-cv-01351-JST, The Honorable Jon S. Tigar

**PLAINTIFFS-APPELLEES' OPPOSED MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE TO DEFENDANTS' MOTION TO STAY UNDER
CIRCUIT RULE 27-3 AND MOTION FOR EXPEDITED BRIEFING SCHEDULE**

PRISON LAW OFFICE
DONALD SPECTER (83925)
STEVEN FAMA (99641)
ALISON HARDY (135966)
SARA NORMAN (189536)
RANA ANABTAWI (267073)
SOPHIE HART (321663)
RITA LOMIO (254501)
LAURA BIXBY (301148)
1917 Fifth Street
Berkeley, California 94710
Telephone: (510) 280-2621
Fax: (510) 280-2704
dspecter@prisonlaw.com
Attorneys for Plaintiffs-Appellants

Plaintiffs-Appellees respectfully request a seven-day extension within which to file their response to Defendant-Appellants' motion to stay, from November 29, 2021, to December 6, 2021. This is their first request for an extension to file this response. Counsel for Defendant-Appellant opposes this request. Plaintiffs-Appellees submit there is good cause for this request, as follows:

1. Counsel for Plaintiffs-Appellees have several pressing obligations that have taken up and will continue to take up substantial time, especially in the coming weeks. Most notably, the majority of attorneys working on this case are currently in a multi-week trial in the District of Arizona challenging state-wide conditions in Arizona prisons in *Parsons, et al. v. Shinn, et al.*, 2:12-cv-00601-ROS, that is not expected to conclude until December 8, 2021, at the earliest. In addition, undersigned counsel has a lengthy submission due to the special master in *Armstrong et al. v. Newsom et al.*, 4:94-cv-02307-CW by December 8, 2021, as well as pre-scheduled prison monitoring tour interviews in that case on November 30, 2021 and the week of December 13, 2021. These monitoring tours require extensive advance preparation.

2. Absent court order, under Fed. R. App. P. 27(a)(3)(A), the present deadline for Plaintiffs-Appellees' response is November 29, 2021. As this date is the Monday after the Thanksgiving holiday, this presents significant logistical issues for Plaintiffs-Appellees' counsel. In particular, as the primary caregiver to

her infant child, undersigned counsel Laura Bixby must assume significant childcare responsibilities during the Thanksgiving holiday and as a result of the continuing pandemic. These obligations and other personal circumstances, in combination with the deadlines listed above, will make it difficult to properly prepare the response to the stay motion absent the requested extension.

3. Counsel has exercised diligence and the response will be filed within the time requested.


4. Counsel for Defendant-Appellant state they oppose this request. Counsel for the Receiver takes no position on the request.

For the foregoing reasons, Plaintiffs-Appellees' motion for a seven-day extension to file their response to Defendants-Appellants' motion to stay should be granted.

Respectfully submitted,

DATED: November 19, 2021

PRISON LAW OFFICE

By: 
Laura Bixby

Attorneys for Plaintiffs-Appellees

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because this motion contains 338 words, excluding the parts exempted by Rule 32(f). This motion complies with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6) because it has been prepared in proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

November 19, 2021

By: *Laura A. Bixby*
Laura Bixby

CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2021, I electronically filed the foregoing motion with the Clerk of the Court for the U.S. Court of Appeals for the Ninth Circuit by using the CM/ECF system. All participants will be served by the CM/ECF system.

November 19, 2021

By: *Laura H. Bixby*

Laura Bixby