

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

U.S. NAVY SEALs 1-3; on behalf of themselves and all others similarly situated; **U.S. NAVY EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN 1**, on behalf of himself and all others similarly situated; **U.S. NAVY SEALs 4-26**; **U.S. NAVY SPECIAL WARFARE COMBATANT CRAFT CREWMEN 1-5**; and **U.S. NAVY DIVERS 1-3**,

Plaintiffs,

v.

LLOYD J. AUSTIN, III, in his official capacity as United States Secretary of Defense; **UNITED STATES DEPARTMENT OF DEFENSE**; **CARLOS DEL TORO**, in his official capacity as United States Secretary of the Navy,

Defendants.

Case No. 4:21-cv-01236-O

MOTION FOR EXTENSION OF TIME

Plaintiffs respectfully request a brief extension of time on their reply in support of the Motion for Order to Show Cause until February 14, 2022. In support of this Motion, Plaintiffs state the following:

1. On January 31, 2022, this Court ordered that Defendants file a response to the Motion for Order to Show Cause on February 7, 2022, and that Plaintiffs' reply is due by February 10, 2022.
2. With their response filed late on February 7, 2022, Defendants filed a number of declarations.

3. Plaintiffs are in the process of gathering evidence to refute the contentions made in Defendants' brief and declarations, but do not believe that they will have enough time to gather that evidence before February 10, 2022.

4. As a result, Plaintiffs request a brief extension until Monday, February 14, 2022 to file their reply.

5. On February 9, Plaintiffs' counsel conferred with Defendants' counsel before filing this Motion to ascertain whether Defendants are opposed or unopposed. Defendants do not oppose a 12-hour extension until noon on Friday, February 11, 2022. *See Cert. of Conf. infra* p. 4.

WHEREFORE, Plaintiffs respectfully request that the Court grant this Motion and permit Plaintiffs to file their reply in support of their Motion for Order to Show Cause on Monday, February 14, 2022.

Respectfully submitted this 9th day of February, 2022.

KELLY J. SHACKELFORD
Texas Bar No. 18070950
JEFFREY C. MATEER
Texas Bar No. 13185320
HIRAM S. SASSER, III
Texas Bar No. 24039157
DAVID J. HACKER
Texas Bar No. 24103323
MICHAEL D. BERRY
Texas Bar No. 24085835
JUSTIN BUTTERFIELD
Texas Bar No. 24062642
Danielle A. Runyan *
New Jersey Bar No. 027232004
Holly M. Randall *
Oklahoma Bar No. 34763
FIRST LIBERTY INSTITUTE
2001 W. Plano Pkwy., Ste. 1600
Plano, Texas 75075
Tel: (972) 941-4444
jmateer@firstliberty.org
hsasser@firstliberty.org
dhacker@firstliberty.org
mberry@firstliberty.org
jbutterfield@firstliberty.org
drunyan@firstliberty.org
hrandall@firstliberty.org

JORDAN E. PRATT
Florida Bar No. 100958* **
FIRST LIBERTY INSTITUTE
227 Pennsylvania Ave., SE
Washington, DC 20003
Tel: (972) 941-4444
jpratt@firstliberty.org

*Admitted pro hac vice
** Not yet admitted to the D.C. Bar, but
admitted to practice law in Florida. Practicing
law in D.C. pursuant to D.C. Court of
Appeals Rule 49(c)(8) under the supervision
of an attorney admitted to the D.C. Bar.

/s/ Heather Gebelin Hacker
HEATHER GEBELIN HACKER
Texas Bar No. 24103325
ANDREW B. STEPHENS
Texas Bar No. 24079396
HACKER STEPHENS LLP
108 Wild Basin Road South, Suite 250
Austin, Texas 78746
Tel.: (512) 399-3022
heather@hackerstephens.com
andrew@hackerstephens.com

Attorneys for Plaintiffs

CERTIFICATE OF CONFERENCE

Plaintiffs' counsel conferred with Defendants' counsel on February 9, 2022 "to determine whether the motion is opposed." L.R. 7(a). Defendants requested that the following be included as Defendants' "position" on this motion:

Defendants do not consent to Plaintiffs' requested relief, but would consent to Plaintiffs' opposition being due at noon on Friday, February 11.

/s/ Heather Gebelin Hacker
HEATHER GEBELIN HACKER
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2022, I electronically filed the foregoing document through the Court's ECF system, which automatically notifies counsel of record for each party.

/s/ Heather Gebelin Hacker
HEATHER GEBELIN HACKER
Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

U.S. NAVY SEALs 1-3; on behalf of themselves and all others similarly situated; **U.S. NAVY EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN 1**, on behalf of himself and all others similarly situated; **U.S. NAVY SEALs 4-26**; **U.S. NAVY SPECIAL WARFARE COMBATANT CRAFT CREWMEN 1-5**; and **U.S. NAVY DIVERS 1-3**,

Plaintiffs,

v.

LLOYD J. AUSTIN, III, in his official capacity as United States Secretary of Defense; **UNITED STATES DEPARTMENT OF DEFENSE**; **CARLOS DEL TORO**, in his official capacity as United States Secretary of the Navy,

Defendants.

Case No. 4:21-cv-01236-O

[PROPOSED] ORDER GRANTING MOTION FOR EXTENSION OF TIME

Before the Court is Plaintiffs' motion for extension of time to file their reply in support of the Motion for Order to Show Cause.

Having considered the Motion, the Court finds that it should be and is hereby **GRANTED**. Plaintiffs are **ORDERED** to file their reply in support of their Motion for Order to Show Cause no later than Monday, February 14, 2022.

SO ORDERED this _____ day of February, 2022.

Hon. Reed O'Connor
UNITED STATES DISTRICT JUDGE