

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

NAVY SEAL 1, <i>et al.</i> , for themselves	)	
and all others similarly situated,	)	
	)	
Plaintiffs,	)	
v.	)	No. 8:21-cv-2429-SDM-TGW
	)	
LLOYD AUSTIN, in his official	)	
capacity as Secretary of the United	)	
State Department of Defense, <i>et al.</i> ,	)	
	)	
Defendants.	)	

---

**PLAINTIFFS’ UNOPPOSED MOTION  
FOR LEAVE NUNC PRO TUNC TO FILE RESPONSE OUT OF TIME**

Plaintiffs, pursuant to Local Rule 3.01, and on an unopposed basis, move the Court for an order, nunc pro tunc, granting Plaintiffs leave to file their Response in Opposition to Defendants’ Motion to Dismiss (Doc. 191) one minute past the filing deadline, and accepting the response as filed. In support thereof, Plaintiffs show unto the Court as follows:

1. Pursuant to the Court’s Order of May 9, 2022 (Doc. 186), Plaintiffs’ response to Defendants’ Motion to Dismiss (Doc. 139) was due on May 23, 2022. Despite the best efforts of Plaintiffs’ counsel to meet the deadline, due to an unforeseen technical issue Plaintiffs filed their response one minute past the deadline, at 12:01 A.M. on May 24. (Doc. 191.)
2. The late filing will neither disrupt the Court’s efficient administration of the case nor cause prejudice to any party. Accordingly, Plaintiffs respectfully request

that the Court enter an order, nunc pro tunc, granting Plaintiffs leave to file the response out of time, and accepting the response as filed.

**Local Rule 3.01(g) Certification**

Prior to filing this motion, Plaintiffs' undersigned counsel conferred with Defendants' counsel, and certifies to the Court that Defendants do not oppose the requested relief. The motion is, therefore, unopposed.

/s/ Roger K. Gannam

Mathew D. Staver

Horatio G. Mihet

Roger K. Gannam

Daniel J. Schmid\*

Richard L. Mast\*

LIBERTY COUNSEL

P.O. Box 540774

Orlando, FL 32854

(407) 875-1776

court@lc.org

hmihet@lc.org

rgannam@lc.org

dschmid@lc.org

rmast@lc.org

\*Admitted specially

*Attorneys for Plaintiffs*