

No. 12-16258

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CHRISTOPHER BAKER,

Plaintiff-Appellant,

vs.

LOUIS KEALOHA, ET AL.,

Defendants-Appellees.

APPEAL

In the United States District Court for the District of Hawai`i
Civil No. CV11-00528 ACK/KSC

DEFENDANT-APPELLEES LOUIS KEALOHA AND THE
CITY AND COUNTY OF HONOLULU'S MOTION FOR
EXTENSION OF TIME TO FILE PETITION FOR REHEARING

DECLARATION OF COUNSEL

EXHIBIT "A"

CERTIFICATE OF SERVICE

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EXTENSION OF TIME TO FILE PETITION FOR REHEARING

COME NOW Defendant-Appellees LOUIS KEALOHA and the CITY AND COUNTY OF HONOLULU (hereinafter "City Parties") and hereby move this Honorable Court to extend the due date of their Petition for Rehearing from April 3, 2014 to April 17, 2014. This motion is brought pursuant to Rules 26(b), 27 of the Federal Rules of Appellate Procedure and Circuit Rule 27-1, and is based upon the Declaration of Counsel and Exhibit "A".

This requested extension is sought for good cause. The undersigned counsel for defendant-appellees is on orders with Hawaii National Guard from March 27-March 31, 2014 and will be attending a Defense Counsel 201 Course in Philadelphia, Pennsylvania at that time, with attendant travel to Pennsylvania from Hawaii and back. In light of this travel, and the other circumstances present here, an extension of time is necessary to allow Defendants-Appellees more time to investigate, research and draft a petition that appropriately addresses the issue at stake. *See Sherwood Decl.*, ¶¶ 6-9, 11.

Moreover, this case presents questions of exceptional importance to the people of the State of Hawaii, and therefore Defendants-Appellees wish to thoroughly discuss the matter with individuals from the State government and the other counties before deciding on the most appropriate course of action. *See Sherwood Decl.*, ¶ 10.

Defendants-Appellees' counsel contacted counsel for Plaintiffs to inquire whether Plaintiffs object to this requested extension. Plaintiffs reported that they do object. *See* Sherwood Decl., ¶ 12.

Dated: Honolulu, Hawaii, March 27, 2014.

DONNA Y. L. LEONG
Corporation Counsel

By: /s/ Curtis E. Sherwood
CURTIS E. SHERWOOD
Deputy Corporation Counsel

Attorneys for Defendant-Appellees
LOUIS KEALOHA and the CITY AND
COUNTY OF HONOLULU