

No. 12-5305  
ORAL ARGUMENT HAS NOT YET BEEN SCHEDULED

*In the United States Court of Appeals  
for the District of Columbia Circuit*

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STEPHEN DEARTH, ET AL.,

Plaintiffs-Appellants,

v.

ERIC H. HOLDER, JR.,

Defendant-Appellee.

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Appeal from a Judgment of the  
United States District Court for the District of Columbia  
The Hon. Robert L. Wilkins, District Judge  
(Dist. Ct. No. 1:09-cv-00587-RLW)

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CONSENT MOTION FOR EXTENSION OF TIME TO FILE  
APPELLANTS' OPENING BRIEF AND JOINT APPENDIX

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Appellants Stephen Dearth and Second Amendment Foundation, Inc., hereby move for an order extending the time to file their opening brief and joint appendix by seven days. Appellee's counsel has consented to this motion via email. In support thereof, counsel declares:

1. Appellants' opening brief and joint appendix are due to be filed February 1, 2013.
2. Following two other extensions of time, one for appellants and one for appellees, undersigned counsel's deadline for filing a reply brief in *Flying Dog Brewery, LLLP v. Samona*, 6<sup>th</sup> Cir. No. 12-1984, is now January 22, 2012.
3. The Seventh Circuit has just ordered undersigned counsel to brief a response to the petition for rehearing en banc in *Moore v. Madigan*, 7<sup>th</sup> Cir. No. 12-1269, by January 23, 2012, a case in which the panel opinion struck down several Illinois statutes. Two amicus briefs have been filed in support of the petition for rehearing.
4. Considering counsel's other obligations, including the Sixth Circuit brief, the new Seventh Circuit assignment unduly pressures the completion of the brief in this case.
5. No extensions have been previously requested in this case. An extension would not prejudice any party. Appellee consents to this motion.

WHEREFORE, Appellants request an extension of time to file the opening brief and joint appendix by and through February 8, 2013.

Dated: January 11, 2013

Respectfully submitted,

Alan Gura  
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By: /s/ Alan Gura  
Alan Gura

Counsel for Plaintiffs-Appellants

CERTIFICATE OF SERVICE

I certify that on this 11<sup>th</sup> day of January, 2013, I filed the foregoing Motion electronically with the Clerk of the Court using the CM/ECF System, which will effect electronic service on all counsel.

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

Executed this the 11<sup>th</sup> day of January, 2013.

/s/ Alan Gura  
Alan Gura

Counsel for Plaintiffs-Appellants