

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

Jonathan Cole, Katie Sullivan, and Nathaniel
Faflick,

Plaintiffs-Appellants,

v.

Case No. 19-3196

Duane Goossen, in his official capacity as
Secretary of Administration; Tom Day, in his
official capacity as Legislative Administrative
Services Director; and Herman Jones,
Superintendent of the Kansas Highway
Patrol,

Defendants-Appellees.

UNOPPOSED MOTION FOR EXTENSION OF TIME

Pursuant to Rule 26(b) of the Federal Rules of Appellate Procedure and 10th Cir. R. 27.6, Defendants-Appellees respectfully request a 30-day extension of time to file their response brief in this appeal.

Defendants-Appellees' brief is currently due on December 5, 2019. This is Defendants-Appellees' first request for an extension. Defendants-Appellees have conferred with counsel for Plaintiffs-Appellants, who do not oppose Defendants-Appellees' request for a 30-day extension.

Defendants-Appellees request this extension because the press of other matters will prevent counsel for Defendants-Appellees from adequately completing their brief by the current deadline. Since the filing of Plaintiffs-Appellants' brief, undersigned counsel has filed a petition for review in *In re Quillen*, No. 120184 (Kan. S. Ct.), has been drafting a brief in *Bader v. Concealed Carry Licensing Unit*, No. 122081 (Kan. Ct. App.), has attended hearings of and drafted orders for the Kansas Crime Victims Compensation Board, and has begun preparing for

oral argument in *Montgomery v. Saleh*, No. 117518 (Kan. S. Ct.), among other things. In addition, counsel will be out of the office the remainder of this week due to the Thanksgiving holiday.

An extension is also necessary due to ongoing developments in the case. Plaintiffs-Appellants have challenged the Kansas Department of Administration's "Policy for Usage of the Statehouse and Capitol Complex," but it has come to Defendants-Appellees' attention that the Department of Administration has withdrawn that policy and adopted a new policy that appears to resolve Plaintiffs-Appellants' concerns, at least with respect to the areas of the Kansas Statehouse under the Department of Administration's control. Other areas of the Statehouse are under the control of the Legislative Coordinating Council (LCC), which has traditionally followed the Department of Administration's usage policies. The LCC is expected to discuss building policies at its next meeting on December 19. An extension of time will allow Defendants-Appellees to assess whether this case has become moot and to work with Plaintiffs-Appellants to potentially resolve this matter.

Defendants-Appellees respectfully request a 30-day extension of time through January 6, 2020, in which to file their brief.

Respectfully submitted,

/s/ Dwight R. Carswell

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**CERTIFICATE OF DIGITAL SUBMISSION, VIRUS SCAN,
AND PRIVACY REDACTIONS**

I hereby certify that:

1. No hard copies are required to be submitted to the Court.
2. The ECF submission was scanned for viruses with Sophos Endpoint Security and Control (version 10.8), last updated November 27, 2019, and according to the program is free from viruses.
3. No privacy redactions were necessary in this document.

CERTIFICATE OF SERVICE

I hereby certify that this Motion for an Extension of Time was electronically filed with the Clerk of the Tenth Circuit Court of Appeals using the CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Dwight R. Carswell
Dwight R. Carswell