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Attorney for Heal the World Foundation and United Fleet

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

John Branca, et al)	CA NO. 11-56926
)	
Appellees/Plaintiffs,)	DC No. CV 09-07084-DMG (PLAx)
)	
v.)	APPELLANT'S MOTION TO
)	EXTEND TIME TO FILE
Heal the World Foundation, et al,)	OPENING BRIEF
)	
Appellant/Defendants.)	
)	

Appellants Heal The World Foundation and United Fleet, through incoming undersigned counsel, hereby requests a 90-day extension of time to file their opening brief which was due November 8, 2012, for the reasons which follow. Because of the timing of this application opposing counsel has not yet been consulted. It is anticipated that a telephone call will be made on November 13, 2012, and the results immediately reported.

On September 11, 2012, appellants' attorney of record Jeremy D. Eveland's motion to withdraw as counsel on appeal was granted. [Docket Entry (DE) 23.] That order also directed appellants to enter an appearance of new counsel within 21 days or face termination of the appeal. [Id.] The due date for appellants' opening brief(s) was reset to October 9, 2012. [Id.] Appellants conducted a diligent search for new counsel which was hampered by lack of funds to hire an attorney and the immense record of this matter, including some 35 sealed documents and other information that should have been offered in the underlying matter but wasn't. The search resulted in undersigned counsel's appearance for appellants here on November 8, 2012, following setting up electronic access that date. [DE 24.] This application for time was initially prepared on November 8 with an intention to file it on November 9, 2012. That date counsel was engaged in a deposition that was scheduled for three hours and took all day thereby delaying his return to the office until after 5:30 p.m., so this application follows over the weekend.

II

Undersigned counsel has commenced to accumulate the extensive record, including a determination of how many of the 35 or so sealed documents have been unsealed thus far and how many still remain so and require motions to unseal. That effort will require some time before a draft of the opening brief can be

constructed. Counsel therefore requests this Court of Appeals grant an additional 90 days to file an opening brief.

III

For the reasons stated, appellants requests a 90 day extension from November 8, 2012 to file their opening brief .

DATED: November 10, 2012

_____/s/_____
GARY S. BROWN
Attorney for Appellants