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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

KELSEY CASCADIA ROSE JULIANA;
XIUHTEZCATL TONATIUH M., through his
Guardian Tamara Roske-Martinez; et al.,

Plaintiffs,

v.

The UNITED STATES OF AMERICA;
DONALD TRUMP, in his official capacity as
President of the United States; et al.,

Defendants.

Case No.: 6:15-cv-01517-TC

**PLAINTIFFS' CORRECTED MOTION
TO EXTEND TIME TO RESPOND TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Expedited Review Requested

**PLAINTIFFS' MOTION TO EXTEND TIME TO RESPOND TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

LR 7-1 CERTIFICATION

The undersigned certifies that the counsel for the parties have conferred regarding this Motion to extend time for Plaintiffs' response in opposition to Defendants' Motion for Summary Judgment pending the Court's resolution of Plaintiffs' Motion to defer consideration of Defendants' Motion for Summary Judgment, but have been unable to reach agreement. *See* Declaration of Julia A. Olson in Support of Plaintiffs' Motion to Extend Time ("Olson Decl."), ¶¶ 1-10.

MOTION TO ENLARGE TIME TO RESPOND

Plaintiffs respectfully move the Court to enlarge their time to file their response brief in opposition to Defendants' Motion for Summary Judgment (ECF No. 207) to allow for the Court's consideration of Plaintiffs' Motion requesting the Court exercise its discretion and authority to defer briefing and hearing on Defendants' Motion for Summary Judgment. Plaintiffs believe that briefing and hearing on Defendants' Motion for Summary Judgment should be deferred until after the conclusion of discovery and in conjunction with trial.

Under Fed. R. Civ. P. 6(b)(1), the Court may enlarge the time for filing pleadings for good cause. Because Plaintiffs' response is otherwise due next week on June 12, Plaintiffs request, at a minimum, an additional forty-five (45) days to submit Plaintiffs' response in opposition to Defendants' Motion for Summary Judgment from the date of the Court's resolution of Plaintiffs' Motion to defer consideration of Defendants' Motion for Summary Judgment, unless the Court defers the motion until trial or the close of discovery. The grounds for this Motion are as follows:

1. This is Plaintiffs' first request to enlarge time to respond to Defendants' Motion for Summary Judgment.

2. Defendants' Motion for Summary Judgment pertains to all of Plaintiffs' claims and their standing to bring suit, and is a heavily fact-dependent inquiry. In order to effectively respond, Plaintiffs will need significant time to prepare expert declarations and Plaintiff declarations, as well as provide additional evidence in opposition. Moreover, the ongoing discovery process is important for Plaintiffs to present a full record of evidence in support of their case and to oppose Defendants' dispositive motion at the factual stage of inquiry.
3. Some of Plaintiffs and Plaintiffs' experts who must prepare declarations in support of Plaintiffs' opposition to Defendants' summary judgment motion are presently unavailable.
4. In addition to Defendants' Motion for Summary Judgment, Defendants have filed the following motions, which have required Plaintiffs to spend time preparing and filing opposition papers:
 - a. Defendants' Motion for Judgment on the Pleadings, ECF No. 195,
 - b. Defendants' Motion for Protective Order and Stay of All Discovery, ECF No. 196,
 - c. Defendants' Objections to Order Denying Motion for a Protective Order and Stay of Discovery, ECF No. 215,
 - d. Defendants' Motion to Stay Discovery Pending Resolution of Objections, ECF No. 216, and
 - e. Defendants' Motion for Protective Order, ECF No. 217.
5. During the past week, Plaintiffs have had an in-person meet and confer session with Defendants on June 5, finalized the parties' Stipulated Protective Order, attended a

status conference before Judge Coffin on the morning of June 6, and conducted an IT training in Courtroom One on the afternoon of June 6.

6. On June 7, pursuant to the Court's request for an expedited response, Plaintiffs filed their opposition to Defendants' motion for a stay of discovery pending resolution of Defendants' objections to Judge Coffin's order on their motion for protective order and stay.
7. Plaintiffs have not been guilty of negligence or bad faith, but are acting diligently to respond timely to motions, to propound discovery, to prepare for trial, and to provide the Court with the most complete and accurate factual record possible for its resolution of these vital constitutional claims.
8. Plaintiffs' development of the factual record and discovery are ongoing. Development of a full factual record through discovery is essential for adequate resolution of the issues of fact raised by the Motion for Summary Judgment. Plaintiffs' interests will be harmed if they are not allowed to present all of the factual evidence necessary to establish their standing (or at least a dispute as to material facts) and ultimately their claims.

Accordingly, Plaintiffs hereby respectfully request an enlargement of time to file a responsive pleading according to a briefing schedule that may be set by the Court after resolution of Plaintiffs' motion requesting this Court exercise its discretion and authority to defer briefing and hearing on Defendants' Motion for Summary Judgment (ECF No. 207) until after the conclusion of discovery and in conjunction with trial.

DATED this 8th day of June, 2018, at Berkeley, California.

/s/ Julia A. Olson

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