

No. 16-2982

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

DR. SABINA BURTON,
Plaintiff-Appellant,

v.

BOARD OF REGENTS OF THE
UNIVERSITY OF WISCONSIN
SYSTEM, et al.,

Defendants-Appellees.

**DEFENDANTS-APPELLEES' MOTION FOR AN ENLARGEMENT OF
TIME TO FILE RESPONSE BRIEF**

By their undersigned counsel, appellees move this Court for an order extending their deadline for filing their response brief. Pursuant to this Court's current scheduling order, appellees' response brief is due October 31, 2016. The requested extension would make the new deadline November 30, 2016.

For the reasons stated in the accompanying affidavit, counsel requests this extension because appellant's brief was filed at a time that his workload was unusually heavy. Those workload demands have continued and will continue through early November. He will be unable to bring working on appellee's brief before then.

WHEREFORE, appellees Board of Regents of the University of Wisconsin System, *et al.*, respectfully request this Court to issue an order extending the deadline for their response brief to November 30, 2016.

Dated this 14th day of October 2016.

Respectfully submitted,

BRAD D. SCHIMEL
Wisconsin Attorney General

/s/ Steven C. Kilpatrick
STEVEN C. KILPATRICK
Assistant Attorney General
State Bar #1025452

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United States District Court for the Western District of Wisconsin granting summary judgment for Defendants-Appellees.

3. On August 24, 2016, this Court granted a motion to extend time to file appellant's brief. The brief of appellant was ordered due on or before September 30, 2016. The response brief of appellees is due October 31, 2016.

4. I received a copy of her brief by first-class mail on September 29, 2016.

5. At the time and since receiving the brief of appellant my workload was, has been, and continues to be, very heavy. In addition to the response brief deadline in this appeal, I have two other appellate brief deadlines to meet this month.

6. I am counsel of record for Defendants-Respondents in an appeal before the Wisconsin Court of Appeals, *Scott v. University of Wisconsin System Board of Regents, et al.*, No. 2015AP1244 (Wis. Ct. App., Dist. I) and am required to file a brief no later than October 21, 2016. Also, before this Court, I am counsel of record for appellee Brian Reynolds in *Alston v. City of Madison, et al.*, No. 16-1043 (7th Cir.) and am required to file a brief no later than October 27, 2016.

7. In addition to these brief deadlines this month, I currently represent the defendants in a civil action before the Western District of Wisconsin, *Erickson v. Department of Workforce Development, et al.*, Case No. 15cv320 (W.D. Wis.). Yesterday several pre-trial filings were due and filed, pursuant to

the district court's order dated October 7, 2016. More pre-trial filings are required for October 20, 2016. And further, an expected three-to-four-day bench trial will commence on November 7, 2016. Much of my time for the next few weeks will be devoted to pre-trial filings and trial preparation.

8. Finally, I am a deputy director of the Special Litigation and Appeals Unit. At this time this unit will be involved over the course of the next month in responding to a time-sensitive order of the district court, issued yesterday, in a Wisconsin voter ID case, *One Wisconsin Institute, Inc. v. Thomsen*, Case No. 2015cv324 (W.D. Wis.).

9. After I complete my draft of appellee's brief in this case, it must undergo administrative and supervisory review, as well as secretarial proofreading, cite-checking, and photo-copying. This process takes between three and five days.

10. No previous motion for an extension has been made.

11. For the reasons mentioned above it will be very difficult for me to file appellees' brief by October 31, 2016. Accordingly, I respectfully seek an extension of time to file appellees' brief to November 30, 2016.

Dated this 14th day of October 2016.

Respectfully submitted,

BRAD D. SCHIMEL
Wisconsin Attorney General

/s/ Steven C. Kilpatrick
STEVEN C. KILPATRICK
Assistant Attorney General
State Bar #1025452

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CERTIFICATE OF SERVICE

Certificate of Service When All Case Participants Are CM/ECF Participants

I hereby certify that on _____, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ _____



CERTIFICATE OF SERVICE

Certificate of Service When Not All Case Participants Are CM/ECF Participants

I hereby certify that on October 14, 2016, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days, to the following non-CM/ECF participants:

counsel / party:
Dr. Sabina Burton

address:
5768 Maple Glen Ln, Platteville WI 53818

s/ Steven C. Kilpatrick