

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 A SECOND
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 November 30, 2016. The requested extension would make the new deadline December 2, 2016.

For the reasons stated in the accompanying affidavit, counsel requests a short extension of time.

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 December 2, 2016.

Dated this 23rd day of November 2016.

Respectfully submitted,

BRAD D. SCHIMEL
Wisconsin Attorney General

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

Attorneys for Defendants-Appellees

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(608) 266-1792
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kilpatricksc@doj.state.wi.us

CERTIFICATE OF SERVICE

I certify that on November 23, 2016, I electronically filed the foregoing Motion for Second Enlargement of Time to File Response Brief with the clerk of court using the CM/ECF system, which will accomplish electronic notice and service for all participants who are registered CM/ECF users.

I further certify that a copy of the above document was mailed to:

KIMBERLY PENIX
POST OFFICE BOX 2001
MADISON, WI 53701

Dated this 23 day of November, 2016.

/s/ Steven C. Kilpatrick
STEVEN C. KILPATRICK
Assistant Attorney General

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 was due on or before October 31, 2016.

4. On October 14, 2016, I filed a motion for a one month enlargement of time to file appellees' brief. The Court granted this motion and appellees' response brief is now due November 30, 2016.

5. After I complete my draft of appellees' 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. I plan to complete my draft on Friday, November 25, 2016.

6. The Attorney General's Office will be closed on Thursday, November 24, 2016, due to the Thanksgiving holiday. On Friday, November 25, 2016, I will be in the office only half of the day due to a planned vacation and support staff in the office will be very limited. Further, the legal associate assisting me directly will not be in the office on Friday, November 25, 2016, either. In addition, all Wisconsin Department of Justice legal associates in my unit who

review, edit, and file briefs will be very busy the week of November 28, 2016, due to an unusually high number of appellate filings.

7. For the reasons mentioned above it will be very difficult for me to file appellees' brief by November 30, 2016. Accordingly, I respectfully seek a short extension of time to file appellees' brief to December 2, 2016.

Dated this 23rd day of November 2016.

Respectfully submitted,

BRAD D. SCHIMEL
Wisconsin Attorney General

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

Attorneys for Defendants-Appellees

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I certify that on November 23, 2016, I electronically filed the foregoing Affidavit in Support of Motion for Second Enlargement of Time with the clerk of court using the CM/ECF system, which will accomplish electronic notice and service for all participants who are registered CM/ECF users.

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Dated this 23 day of November, 2016.

/s/ Steven C. Kilpatrick
STEVEN C. KILPATRICK
Assistant Attorney General