

APPEAL NO. 17-3352
UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

TELESCOPE MEDIA GROUP, a Minnesota corporation, CARL LARSEN and ANGEL LARSEN, the founders and owners of TELESCOPE MEDIA GROUP,
Plaintiffs-Appellants,

v.

KEVIN LINDSEY, in his official capacity as Commissioner of the Minnesota Department of Human Rights and LORI SWANSON, in her official capacity as Attorney General of Minnesota,
Defendants-Appellees,

On Appeal from the United States District Court
for the District of Minnesota
The Honorable Chief Judge John R. Tunheim
Case No. 0:16-cv-04094-JRT-LIB

**PLAINTIFFS-APPELLANTS' UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE OPENING BRIEF WITH ADDENDUM
AND APPENDIX**

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**Pending admission*

Attorneys for Plaintiffs/Appellants

Appellants Telescope Media Group, Carl Larsen, and Angel Larsen respectfully request a 30-day extension of time to file their opening brief with addendum and appendix. This motion is unopposed.

1. Appellants' opening brief with addendum and appendix are currently due on December 19, 2017. A 30-day extension would make them due on January 18, 2018.

2. This extension is justified because Appellants' counsel also represent Petitioners Jack Phillips and Masterpiece Cakeshop which is currently scheduled for oral argument before the United States Supreme Court on December 5, 2017. *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, No. 16-111 (U.S. filed Jul. 22, 2016). In particular, Appellants' counsel Ms. Waggoner is lead counsel for Mr. Phillips and Masterpiece Cakeshop and will be arguing on behalf of petitioners on December 5, 2017. Appellants' counsel Mr. Scruggs, Mr. Cortman, Mr. Gray, and Mr. Warner also represent Mr. Phillips and Masterpiece Cakeshop and through November and early December are heavily involved in preparation of the reply brief due November 22, 2017, analysis of the ninety-five *amicus* briefs filed in the case, and participation in the numerous moot courts scheduled in November and early December to prepare for the December 5th argument. The United States Supreme Court case deadlines were set before the appellate briefing deadlines in this case.

3. Appellants' counsel also have many other litigation deadlines in November and December. For example, Appellants' counsel will be filing a reply brief at the United States Supreme Court in the coming weeks in support of the petition for certiorari in *State v. Arlene's Flowers, Inc.*, 389 P.3d 543 (Wash.), *petition for cert. filed*, No. 17-108 (U.S. July 14, 2017); have deadlines in *303 Creative LLC v. Elenis*, 1:16-CV-02372-MSK-CBS (D. Colo. Sep. 1, 2017), *appeal docketed*, No. 17-1344 (10th Cir. Sep. 29, 2017), including an opening brief and appendix due on December 18, 2017; and have other deadlines in the instant case, including designations of record, appendix, and statement of issues due on November 13, 2017.

4. Currently, Appellees' response brief is due January 18, 2018. If the deadline for Appellants' opening brief with addendum and appendix is moved to January 18, 2018 as requested, Appellees' response brief would be due on February 20, 2018.

5. This is Appellants' first request for an extension.

6. Counsel for Appellants and Appellees have conferred, and Appellees take no position on this request.

For these reasons, Appellants respectfully request that this Motion for Extension of Time to file their Opening Brief with Addendum and Appendix be granted.

Dated: November 13, 2017

Respectfully submitted,

s/ Jeremy D. Tedesco

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CERTIFICATE OF COMPLIANCE

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because this motion contains 418 words, excluding the parts exempted under Fed. R. App. P. 32(f).

2. This motion complies with the typeface and type-style requirements of Fed. R. App. P. 27(d)(1)(E), 32(a)(5), and 32(a)(6) because it has been prepared in a 14-point proportionally spaced Times New Roman typeface using Microsoft Word 2013.

3. All required privacy redactions have been made pursuant to 8th Cir. R. 25A(i).

4. Paper copies are not required for this motion.

5. This motion has been scanned for viruses with the most recent version of a commercial virus scanning program, Traps version 4.1, and is free of viruses according to this program.

Date: November 13, 2017

s/ Jeremy D. Tedesco
Jeremy D. Tedesco

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2017, a true and accurate copy of the foregoing was electronically filed with the Court using the CM/ECF system, which will send notification of such filing to the following:

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Date: November 13, 2017

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