

NO. 17-1322

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

MARSHA WETZEL,)	
)	On appeal from the United States
)	District Court for the Northern
Plaintiff-Appellant,)	District of Illinois, Eastern Division
)	
vs.)	
)	No. 16-cv-07598
GLEN ST. ANDREW LIVING COMMUNITY,)	
LLC; GLEN ST. ANDREW LIVING)	The Honorable
COMMUNITY REAL ESTATE, LLC; GLEN)	Samuel Der-Yeghiayan,
HEALTH & HOME MANAGEMENT, INC.;)	Judge Presiding.
ALYSSA FLAVIN; CAROLYN DRISCOLL; and)	
SANDRA CUBAS,)	
)	
Defendants-Appellees.)	

MOTION FOR EXTENSION OF TIME

NOW COME Defendants-Appellees, GLEN ST. ANDREW LIVING COMMUNITY, LLC, GLEN ST. ANDREW LIVING COMMUNITY REAL ESTATE, LLC, GLEN HEALTH & HOME MANAGEMENT, INC., ALYSSA FLAVIN, CAROLYN DRISCOLL; and SANDRA CUBAS, by their attorneys CLAUSEN MILLER P.C., and moves this Court for a thirty-five day extension of time to file the brief of Defendants-Appellees from September 27, 2017 to and including November 1, 2017. In support of their motion, Defendants-Appellees attach the affidavit of Lisa A. Hausten.

Respectfully submitted,

By: /s/Lisa A. Hausten
Lisa A. Hausten
CLAUSEN MILLER P.C.
10 South LaSalle Street
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312-855-1010
Attorneys for Defendants-Appellees

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS

AFFIDAVIT OF LISA A. HAUSTEN

Lisa A. Husten, being first duly sworn upon oath, deposes and states that she is an attorney licensed to practice in the State of Illinois and the United States Court of Appeals for the Seventh Circuit, and that she has knowledge of the following facts, and would be competent to testify thereto if called as a witness.

1. This is a case of first impression and national importance involving construction of the newly enacted Quid Pro Quo and Hostile Environment Harassment and Liability for Discriminatory Housing Practices Under the Fair Housing Act regulation by the U.S. Department of Housing and Urban Development involving the vicariously liability of landlords for tenant-on-tenant sexual orientation harassment. The National Fair Housing Alliance and the American Association of Retired Persons have filed amicus briefs in support of plaintiff's position.

2. Affiant was not retained until a few weeks before the original due date, *i.e.*, June 26, 2017, to represent the defendants-appellees in this appeal and affiant has needed time to review the issues involved, the record, the brief of plaintiff, and the two briefs of the *amicus curiae* in support of plaintiff in order to be in a position to properly respond on behalf of defendants-appellees. An initial and second extension was requested and granted making the due date September 27, 2017.

3. Although Affiant has been working diligently on the brief, including working over the intervening holiday, there are numerous complex issues requiring extensive consideration

and Affiant is unable to complete the brief for defendants-appellants by September 27, 2017, for the following reasons:

- a. Affiant had to draft the reply brief that was filed in this Court on July 27, 2017 in the case of CNH Industrial America v. Jones Lang LaSalle Americas, Case No. 16-3800;
- b. Affiant was engaged in extensive negotiations and mediation in an attempt to settle the foregoing case;
- c. The parties were unable to reach a settlement and Affiant had to spend significant time preparing for the oral argument which took place on September 13, 2017 and involved complicated issues on jurisdiction as well as the merits;
- d. None of Affiant's partners have been able to assist due to their own current workload.
- e. Melinda S. Kollross prepared an appellee brief in the case of *Swift v. David J. Schleicher, M.D.*, No. 2-17-0218, which was filed in the Illinois Appellate Court, Second District on September 8, 2017. She is now preparing a Motion for Leave to Appeal to the New York Court of Appeals in *Yu v. Greenway Mews*, New York County clerk's Index No. 1166885/05, which must be filed by September 19, 2017. She is also preparing for oral argument in *Cadichon v. Facelle*, Bronx County Clerk's Index No. 16878/03, which argument is set to take place before the New York Appellate Division, First Department, on September 19, 2017. Following completion of these matters, she must turn her attention to preparation

of a Defense Research Institute (DRI) CLE panel personation scheduled for October 4, 2017 featuring Illinois Supreme Court Justice Rita Garman.

- f. Don R. Sampen had primary responsibility for preparing and filing a brief in the case of *Vargas v. City of New York*, No. 154323/13, in the New York Supreme Court Appellate Division, First Department on September 6, 2017. He also had primary responsibility for preparing and filing responses to two contested discovery motions in the case of *Pyour B.V. v. Ingredion Incorporated*, No. 15-CV-8690, in the United States District Court for the Northern District of Illinois, on September 7, 2017. He also assisted in the preparation of a postjudgment brief in the case of *Farruggio v. Borough of Hamburg*, No. SSX-L-0063-14, in the Superior Court of Sussex County, New Jersey, on September 11, 2017.
 - g. Paul V. Esposito was working on an appellee's brief in *Sivels v. Koke Mills Medical Associates*, No. 4-17-0242, which was filed in the Illinois Appellate Court, Fourth District, on August 17, 2017. He filed an appellees' brief in *Sanchez v. M&M Transport Co.*, No. 1-17-0065, in the Illinois Appellate Court, First District on September 13, 2017. He is currently assisting in the preparation for trial in *Montagano v. Leading Edge Group, Inc.*, No. 14 L 08096, which is scheduled to begin on October 3, 2017.
4. Affiant further states that this motion for an extension of time is made in the interests of justice and not for the purposes of delay.
 5. Affiant therefore respectfully requests an extension of time for filing a brief on behalf of said defendants-appellees in the instant case, to and including November 1, 2017.

FURTHER AFFIANT SAYETH NOT.

By: *Lisa A. Hausten*
Lisa A. Hausten

Subscribed and sworn to before me
this 19th day of September, 2017

Kathleen Ann Wilson
Notary Public



CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2017, the foregoing was electronically filed with the Clerk for the United States Court of Appeals for the Seventh Circuit, 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/Lisa A. Husten_____