

IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

303 CREATIVE LLC, a limited
liability company, et al.,

Plaintiffs - Appellants,

v.

AUBREY ELENIS, Director of the
Colorado Civil Rights Division, in her
official capacity, et al.,

Defendants - Appellees.

No. 17-1344

On Appeal from the United States District Court
for the District of Colorado

D.C. No. 16-cv-02372-MSK-CBS

**UNOPPOSED MOTION FOR A 14 DAY EXTENSION OF TIME
TO FILE APPELLEES' BRIEF**

Appellees respectfully move the Court for a 14 day extension of
time to respond to the Opening Brief and state as follows:

1. Appellee's Brief is currently due on January 17, 2017. An
additional 14 days would extend the due date to January 31.

2. Counsel for Appellees has conferred with counsel for
Appellants. Counsel for Appellants does not object to the requested
extension.

3. Appellants previously requested a 14 day extension of time to submit the Opening Brief. That motion was granted. Appellees have not previously requested an extension.

4. It will not be possible to file Appellee's Brief by January 17, 2017, despite the exercise of due diligence, due to the following:

- A. The Opening Brief is approximately 60 pages long and concerns complex issues of First Amendment importance that are related to those recently argued before the United States Supreme Court in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, No. 16-111 (U.S. filed Jul. 22, 2016). Given the complexity of the matters at issue, including the potential intersection of sexual discrimination and religious freedom, Appellees require additional time to analyze and respond to the Opening Brief.
- B. One of the attorneys for Appellees, Jack D. Patten, recently became a father and just returned to the office after Family Medical Leave. Additionally, Mr. Patten

will be out of the office on Military Leave between January 5 and 8, 2017.

- C. Undersigned attorney for Appellees, Skippere S. Spear, has an opening brief due in this Court on January 24, 2017, in *Vallina, et al. v. Petrescu*, No. 17-1428, which involves an issue of first impression regarding the liability of public officials for the suicide of a pretrial detainee outside of their custody.
- D. There are three federal holidays between now and the current due date of January 17: Christmas Day, New Year's Day, and Martin Luther King Jr.'s Birthday. *See* Fed. R. App. P. 26(a)(6)(A).

WHEREFORE, Appellees respectfully requests a 14 day extension of time, to and including January 31, 2017, to file Appellee's Brief.

Respectfully submitted this 19th day of December, 2017.

CYNTHIA H. COFFMAN
Colorado Attorney General

s/ Skip Spear

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**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,
TYPEFACE REQUIREMENTS, AND TYPE-STYLE
REQUIREMENTS**

1. This document complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(a) because it contains 696 words.
2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) because it is in a 14-point font.
3. This document complies with the type-style requirements of Fed. R. App. P. 32(a)(6) because it is in Century Schoolbook font.

By:

/s Skip Spear

This 19th day of December, 2017

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within
**UNOPPOSED MOTION FOR 14 DAY EXTENSION OF TIME TO
FILE APPELLEES' BRIEF** upon all parties herein this 19th day of
December, 2017, by using the CM/EFC system which will send
notification of such filing to the following:

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s/ Sally Ott
