

IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

DEE FULCHER, GIULIANO SILVA,)
and TRANSGENDER AMERICAN)
VETERANS ASSOCIATION,)

Petitioners,)

17-1460

v.)

SECRETARY OF VETERANS)
AFFAIRS,)

Respondent.)

RESPONDENT’S UNOPPOSED
MOTION FOR A SECOND EXTENSION OF TIME

Pursuant to Rule 26(b) of the Federal Circuit Rules, respondent, the Secretary of Veterans Affairs, respectfully requests an extension of time of 60 days, to and including November 28, 2017, within which to file respondent’s brief.

Respondent’s brief is currently due on September 29, 2017. This is respondent’s second request for an extension of time. Petitioners, Dee Fulcher, Giuliano Silva, and Transgender American Veterans Association, have indicated, through their attorney, that they do not oppose this motion.

Due to the important issues raised in the petition and the seven amicus briefs filed in support of petitioners, the attorney of record requires additional time to coordinate with counsel for the Department of Veterans Affairs and complete

respondent's brief. Thereafter, the attorney of record will need additional time to complete the internal review process at the Department of Justice.

For these reasons, respondent respectfully requests that the Court grant its unopposed motion for a 60-day extension of time, to and including November 28, 2017, within which to file respondent's brief.

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.
Director

/s/Allison Kidd-Miller
ALLISON KIDD-MILLER
Assistant Director

/s/Eric P. Bruskin
ERIC P. BRUSKIN
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September 15, 2017

Attorneys for Respondent

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AFFAIRS,))

Respondent.))

ORDER

Upon consideration of Respondent's Unopposed Motion For An Extension
Of Time, it is

ORDERED that the motion be GRANTED; Respondent shall file its brief no
later than November 28, 2017.

For the Court

Dated: _____

cc: Eric P. Bruskin
Paul R. Wolfson

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)) 17-1460

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Respondent.))

DECLARATION OF ERIC P. BRUSKIN

In support of Respondent's Unopposed Motion for a Second Extension of Time, Eric. P Bruskin declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am the primary attorney assigned to this appeal for the respondent.
2. I am working with counsel from the Department of Veterans Affairs to respond to petitioner's brief.
3. Due to the important issues presented in the petition and the seven *amicus* briefs filed in support of petitioners, I require additional time to complete respondent's brief.
4. Thereafter, I will need additional time to complete the internal review process at the Department of Justice.

DECLARATION

I certify that the foregoing is true and correct to the best of my knowledge and belief.

/s/ Eric P. Bruskin
Eric P. Bruskin

Executed: September 15, 2017

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 15th day of September, 2017, a copy of the foregoing Respondent's Unopposed Motion For A Second Extension Of Time was filed electronically. This filing was served electronically to all parties by operation of the Court's electronic filing system.

/s/ Eric P. Bruskin