

No. 2017-1460

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DEE FULCHER, GIULIANO SILVA, AND THE TRANSGENDER AMERICAN
VETERANS ASSOCIATION,

Petitioners,

v.

SECRETARY OF VETERANS AFFAIRS,

Respondent.

On Appeal from the United States Department of Veterans Affairs.

**PETITIONERS DEE FULCHER, GIULIANO SILVA, AND THE
TRANSGENDER AMERICAN VETERANS ASSOCIATION'S
UNOPPOSED MOTION FOR A 30-DAY EXTENSION OF TIME TO FILE
ITS PRINCIPAL BRIEF**

Pursuant to Federal Rule of Appellate Procedure 26(b) and Federal Circuit Rule 26(b), Petitioners Dee Fulcher, Giuliano Silva, and the Transgender American Veterans Association (“Petitioners”) respectfully move for a 30-day extension of the time within which they may file their principal brief. Counsel for Respondent Secretary of Veterans Affairs (“Respondent”) has informed counsel for Petitioners that Respondent does not oppose this motion.

Petitioners’ principal brief is currently due on or before Monday, May 22, 2017. Petitioners respectfully request that the briefing schedule be revised such that the deadline is extended by 30 days. If Petitioners’ request is granted, their

principal brief would be due Wednesday, June 21, 2017. Petitioners have not previously sought an extension of time for filing their brief.

As set forth in the accompanying declaration of counsel, there is good cause for a 30-day extension of the time within which Petitioners may file their principal brief. In particular, undersigned counsel will be significantly occupied in the forthcoming weeks. Undersigned counsel has oral arguments on May 10 and May 16, 2017 in *Barnes v. Chase Home Finance, LLC*, No. 13-35716 (9th Cir.) and *Benex LC v. First Data Merchant Services Corp.*, No. 16-4076 (2d Cir.), respectively. In addition, undersigned counsel has 14 depositions scheduled between the current date and May 22, 2017 in *JM Adjustment Services, LLC et al v. J.P. Morgan Chase Bank, N.A.*, No. 2:16-cv-10630-SFC-RSW (E.D. Mich.).

Petitioners therefore respectfully request that this motion be granted. A proposed order is included herewith.

Dated: April 20, 2017

Respectfully submitted,

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April 20, 2017

Counsel for Petitioners

CERTIFICATE OF INTEREST

Counsel for Petitioners Dee Fulcher, Giuliano Silva, and the Transgender American Veterans Association certifies the following:

1. The full name of every party or *amicus* represented by us is:

Dee Fulcher, Giuliano Silva, and the Transgender American Veterans Association

2. The names of the real party in interest represented by us is:

Not applicable.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or *amicus curiae* represented by me are:

None.

4. The names of all law firms and the partners or associates that appeared for the party or *amicus* now represented by me in the trial court or agency or are expected to appear in this court are (and who have not or will not enter an appearance in this case) are:

All counsel have filed appearances in this case.

Dated: April 20, 2017

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**DECLARATION OF ALAN SCHOENFELD IN SUPPORT OF
PETITIONERS DEE FULCHER, GIULIANO SILVA, AND THE
TRANSGENDER AMERICAN VETERANS ASSOCIATION'S
UNOPPOSED MOTION FOR A 30-DAY EXTENSION OF TIME TO FILE
ITS PRINCIPAL BRIEF**

1. I am a partner at Wilmer Cutler Pickering Hale and Dorr LLP (“WilmerHale”), counsel to Petitioners Dee Fulcher, Giuliano Silva, and the Transgender American Veterans Association (“Petitioners”) in this appeal. I am submitting this declaration of counsel in support of Petitioners’ motion for a 30-day extension of the time within which to file their principal brief.
2. Under the current briefing schedule, Petitioners’ principal brief is currently due on or before Monday, May 22, 2017. Petitioners respectfully request that the briefing schedule be revised such that the deadline is extended by 30 days. If Petitioners’ request is granted, their principal brief would be due Wednesday,

June 21, 2017. Petitioners have not previously sought an extension of time for filing its brief.

3. The additional time requested herein is necessary because undersigned counsel will be significantly occupied over the forthcoming weeks. Undersigned counsel has oral arguments on May 10 and May 16, 2017 in *Barnes v. Chase Home Finance, LLC*, No. 13-35716 (9th Cir.) and *Benex LC v. First Data Merchant Services Corp.*, No. 16-4076 (2d Cir.), respectively. In addition, undersigned counsel has 14 depositions scheduled between the current date and May 22, 2017 in *JM Adjustment Services, LLC et al v. J.P. Morgan Chase Bank, N.A.*, No. 2:16-cv-10630-SFC-RSW (E.D. Mich.).

4. Pursuant to Federal Circuit Rule 27(a)(5), counsel for Petitioners has conferred with counsel for Respondent Secretary of Veterans Affairs regarding this motion. Respondent does not oppose Petitioners' request for a 30-day extension of the time within which to file its brief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 20, 2017

/s/ Alan Schoenfeld
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ORDER

Upon consideration of Petitioners Dee Fulcher, Giuliano Silva, and the Transgender American Veterans Association's Unopposed Motion for a 30-Day Extension of Time to File Its Principal Brief, IT IS HEREBY ORDERED THAT:

The motion is granted. Petitioners Dee Fulcher, Giuliano Silva, and the Transgender American Veterans Association's Principal Brief is to be filed on or before June 21, 2017.

Dated: _____, 2017 _____

CERTIFICATE OF SERVICE

I hereby certify that, on this 20th day of April, 2017, I filed the foregoing Petitioners Dee Fulcher, Giuliano Silva, and the Transgender American Veterans Association's Unopposed Motion for a 30-Day Extension of Time to File Its Principal Brief with the Clerk of the United States Court of Appeals for the Federal Circuit via the CM/ECF system, which will send notice of such filing to all registered CM/ECF users.

/s/ Alan Schoenfeld

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April 20, 2017

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