

No. 17-3352
IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

Telescope Media Group, Carl Larsen and Angel Larsen,
Appellants,
v.
Kevin Lindsey and Lori Swanson,
Appellees.

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

**UNOPPOSED MOTION ON BEHALF OF THE CATO INSTITUTE
TO EXTEND TIME IN WHICH TO FILE *AMICUS* BRIEF**

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On behalf of the Cato Institute, the undersigned respectfully move for a fourteen-day extension of time, to and including February 9, 2018, in which to file an *amicus* brief in support of the Appellants.

1. All parties have consented to the request in this motion, on the condition that this Court grants the parties' Joint Motion for Extension of Time to File Brief, filed on January 25, 2018. [Entry ID. 4623492]

2. Appellants filed their brief on January 19, 2018. Pursuant to Fed. R. App. P. 29(a)(6), the deadline for filing an *amicus* brief in support of Appellants is currently January 26, 2018. Pursuant to the same rule, the Court "may grant leave for later filing, specifying the time within which an opposing party may answer."

3. On January 26, 2018, the parties jointly stipulated to a fourteen-day extension of the deadline for the filing of the Appellee's brief. At the same time, the State of Nebraska has filed an unopposed request for leave to file an *amicus* brief in support of Appellants on or before February 9, 2018. Thus, if this motion is granted, it would not prejudice or upset the expectations of any party.

4. Cato Institute, founded in 1977, is a nonpartisan public policy research foundation dedicated to advancing the principles of individual liberty, free markets, and limited government. Cato's Center for Constitutional Studies was established in 1989 to promote the principles of limited constitutional government that are the foundation of liberty. Toward those ends, Cato publishes books and studies, conducts conferences, produces the annual Cato Supreme Court Review, and files *amicus* briefs with the courts.

5. Pursuant to Fed. R. App. P. 26.1, the Cato Institute states that it has no parent companies, subsidiaries, or affiliates, and that it does not issue shares to the public.

6. The Cato Institute intends to submit an *amicus* brief, authored by Eugene Volokh, Professor of Law at UCLA School of Law, and Ilya Shapiro, Senior Fellow in Constitutional Studies at the Cato Institute. The brief will present the Cato Institute's interests in this Court's adjudication of this case; however, it requires additional time to prepare its arguments and to coordinate the filing of the brief.

7. This request is made in the interests of justice and not to unnecessarily delay the adjudication of this matter.

Dated January 26, 2018.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH RULE 32(A)

**Certificate of Compliance with Type-Volume Limitation,
Typeface Requirements, and Type Style Requirements**

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because this motion contains 390 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f).

2. This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced, roman typeface with serifs (Equity) using Microsoft Word, set in 14 points.

CERTIFICATE OF COMPLIANCE WITH EIGHTH CIR. R. 28A(h)

This brief has been scanned for viruses and is virus free.

Date: January 26, 2018

s/Jonathan R. Whitehead

AN ATTORNEY FOR CATO INSTITUTE

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2018, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. All participants in the case are registered with the CM/ECF, and will be served by the CM/ECF system.

Date: January 26, 2018

s/Jonathan R. Whitehead

AN ATTORNEY FOR CATO INSTITUTE