

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

MARK HORTON,)	
)	
Plaintiff/Appellant,)	
)	Case No. 18-1104
v.)	
)	
MIDWEST GERIATRIC MANAGEMENT, LLC,)	
)	
Defendant/Appellee.)	

CONSENT MOTION TO EXTEND TIME FOR FILING BRIEF

COMES NOW Plaintiff/Appellant, Mark Horton, by and through his undersigned counsel, and pursuant to Federal Rule of Appellate Procedure 26(b) submits the following Consent Motion to Extend Time for Filing Brief:

1. Appellant’s brief is currently due to be filed on February 21, 2018. No previous extensions of time for filing Appellant’s brief have been requested.
2. An extension of time for filing Appellant’s brief for a period of 14 days, to and including **March 7, 2018** is necessary.
3. Appellant recently retained co-counsel Gregory R. Nevins and Omar Gonzalez-Pagan of Lambda Legal Defense and Education Fund, Inc., to assist in his representation for this appeal. Additional time is needed for Appellant’s original trial counsel to work with their new co-counsel to bring them up to speed on this matter and to ensure that this Court is well-briefed regarding the important issues at stake, which are currently the subject of a circuit split.
4. This motion has not been filed for purposes of delay or harassment.

5. Counsel for Defendant/Appellee has been consulted about this request for an extension of time and has consented to an extension for filing Appellant's brief up to and including March 7, 2018.

WHEREFORE, Plaintiff/Appellant Mark Horton respectfully requests an extension of time up to and including March 7, 2018 in which to file his opening brief.

Respectfully Submitted,

MATHIS, MARIFIAN & RICHTER, LTD.

By /s/Mark S. Schuver

Mark S. Schuver, #34713
Natalie T. Lorenz, #65566
23 Public Square, Suite 300
P.O. Box 307
Belleville, IL 62220
(618) 234-9800 Phone
(618) 234-9786 Fax
mschuver@mmrltd.com
nlorenz@mmrltd.com

and

Gregory R. Nevins
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
730 Peachtree St. NE, Suite 640
Atlanta, GA 30308
(404) 897-1880 Phone
(404) 897-1884 Fax
gnevins@lambdalegal.org

and

Omar Gonzalez-Pagan
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
120 Wall Street, 19th Floor
New York, New York 10005
(212) 809-8585 Phone
(212) 809-0055 Fax
ogonzalez-pagan@lambdalegal.org

Attorneys for Plaintiff/Appellant Mark Horton

CERTIFICATE OF SERVICE

I hereby certify that, on February 13, 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. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/Mark S. Schuver