

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

MARK HORTON,	)	
	)	
Appellant,	)	
	)	Appeal No. 18-1104
v.	)	
	)	
MIDWEST GERIATRIC	)	
MANAGEMENT, LLC,	)	
	)	
Appellee.	)	

**APPELLEE MIDWEST GERIATRIC MANAGEMENT, LLC’S  
CONSENT MOTION FOR EXTENSION OF TIME TO FILE BRIEF**

Appellee Midwest Geriatric Management, LLC (“MGM”), by and through its undersigned counsel, pursuant to Federal Rule of Appellate Procedure 26(b), respectfully moves this Court for a forty-five (45) day extension of time, from April 6, 2018 up to and including May 21, 2018, in which for MGM to file its Brief. In support of this Motion, MGM states as follows:

1. Appellant Mark Horton (“Horton”) filed his Opening Brief and the Joint Appendix on March 7, 2018.
2. As such, MGM’s Brief is presently due on April 6, 2018.
3. This is MGM’s first motion for an extension of time to file its Brief. MGM requests a forty-five (45) day extension, from April 6, 2018 up to and including May 21, 2018, in which to file its Brief.
4. The extension sought is necessitated by good cause. In addition to

Horton's Brief, which itself raises a variety of arguments, various *Amici* (totaling over 90) have filed eight (8) Briefs in connection with this appeal, which have now been accepted after MGM did not object to their filing. MGM's counsel requires additional time to review and respond to the various contentions raised both in Horton's Brief and, as appropriate, in the many *Amicus* Briefs.

5. This Motion has not been filed for purposes of delay or harassment.

6. Counsel for MGM previously consented to counsel for Horton's requested extension. Likewise, counsel for Horton has consented to MGM's instant requested extension.

WHEREFORE, Appellee Midwest Geriatric Management, LLC respectfully requests that the Court grant an additional forty-five (45) days, from April 6, 2018 up to and including May 21, 2018, in which to file its Brief.

Dated: March 28, 2018

Respectfully submitted,

/s/ Michael L. Jente

Philip J. Mackey

Neal F. Perryman

Michael L. Jente

LEWIS RICE LLC

600 Washington Avenue, Suite 2500

St. Louis, MO 63101

(314) 444-1343 (telephone)

(314) 612-1343 (facsimile)

pmackey@lewisrice.com

nperryman@lewisrice.com

mjente@lewisrice.com

*Attorneys for Appellee*

*Midwest Geriatric Management, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that 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 appellate CM/ECF system on March 28, 2018. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by this Court's CM/ECF system.

Dated: March 28, 2018

/s/ Michael L. Jente  
Attorney for Appellee  
Midwest Geriatric  
Management, LLC

## CERTIFICATE OF COMPLIANCE

I hereby certify that the following Motion complies with the type-volume requirements of FED. R. APP. P. 27(d)(2)(A) because it contains 287 words, excluding the caption, signature block, Certificate of Service, and this Certificate of Compliance. I further certify that the following Motion complies with the typeface and type-style requirements of FED. R. APP. P. 27(d)(1)(E), 32(a)(5), and 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in fourteen (14) point Times New Roman font. I further certify that the electronic version of this Motion filed with the Court complies with this Court's Local Rule 25A because it has been submitted in Portable Document Format (PDF), which was generated by printing to PDF from the original word processing file so that the electronic version may be searched and copied.

Dated: March 28, 2018

/s/ Michael L. Jente \_\_\_\_\_  
Attorney for Appellee  
Midwest Geriatric  
Management, LLC