

No. 18-2574

**United States Court of Appeals
for the Third Circuit**

SHARONELL FULTON, ET AL.,

Plaintiffs-Appellants,

v.

CITY OF PHILADELPHIA, ET AL.,

Defendants-Appellees.

On Appeal from the U.S District Court for the
Eastern District of Pennsylvania,
No. 2:18-cv-02075-PBT (Hon. Petrese B. Tucker, U.S.D.J.)

**Reply in Support
of Appellants' Motion to Expedite Appeal**

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ARGUMENT

Harm to the Appellants continues while this appeal is proceeding and, without expediting the appeal, it is likely Catholic will be forced to shut its doors before its appeal is complete. As detailed in the Amato declarations, Catholic continues to do everything in its power to delay staff layoffs, but doing so requires tradeoffs that further strain its ministry. Catholic's century-old foster care ministry is already in the wind-down process, and the intake freeze continues, meaning that foster homes that could be serving children sit empty today.

The question on appeal is whether Appellants are entitled to a preliminary injunction. As the City acknowledges, it has briefed that issue several times, including a brief in opposition to a motion for injunction pending appeal in this Court. A response brief should not be a significant strain on resources.

The City's response identifies only two concrete time periods, Aug. 9-20 and Sept. 14-27, as times when its attorneys will be on vacation. Catholic's schedule is more compatible with those dates than the City's proposed schedule, which the City acknowledges requires its own brief to be filed during an attorney's vacation. The Court could easily grant Catholic's motion while accommodating that schedule as follows:

- Appellants' opening brief due Aug. 20
- Appellees' brief due Sept. 10
- Appellants' reply due Sept. 17.

This would accommodate the City's conflicts while also ensuring that the appeal can be decided in an expedited fashion.

For all the reasons described in its motion, this case presents extraordinary circumstances in which expedited appeal is warranted.

CONCLUSION

Appellants respectfully request that this Court grant their motion for expedited briefing and consideration of this appeal.

Respectfully submitted,

/s/ Mark L. Rienzi

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

Dated: August 2, 2018

/s/ Mark L. Rienzi
Mark L. Rienzi

**CERTIFICATE OF COMPLIANCE WITH FEDERAL RULE
OF APPELLATE PROCEDURE 32(A) AND
LOCAL RULE 31.1**

I hereby certify that the following statements are true:

1. This brief complies with the type-volume limitations imposed by Federal Rules of Appellate procedure 29(d) and 32(a)(7)(B). It contains 273 words, excluding the parts of the brief exempted by Federal Rule 32(a)(7)(B)(iii) and by Local Rule 32.
2. This brief complies with the typeface and typestyle requirements of Federal Rule 32(a)(5) and 32(a)(6). It has been prepared in a proportionally-spaced typeface using Microsoft Office Word 2016 in 14-point Century Schoolbook font.
3. This brief complies with the electronic filing requirements of Local Rule 25. The text of this electronic brief is identical to the text of the paper copies, and the latest version of Bitdefender Endpoint Security Tools has been run on the file containing the electronic version of this brief and no virus has been detected.

Executed this 2nd day of August, 2018.

/s/ Mark L. Rienzi
Mark L. Rienzi