

Case No. 18-1453

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

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DANA ALIX ZZYYM,

Plaintiff-Appellee,

v.

MICHAEL R. POMPEO,

in his official capacity as Secretary of State, and

STEVEN J. MULLEN,

in his official capacity as Director of the Colorado Passport Agency  
of the United States Department of State,

Defendants-Appellants.

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On Appeal from the United States District Court for the District of Colorado,  
Case No. 15-cv-2362 (Hon. R. Brooke Jackson)

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**APPELLEE’S UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE PRINCIPAL BRIEF**

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Pursuant to Federal Rule of Appellate Procedure 27 and Tenth Circuit Rule 27.6, Plaintiff-Appellee Dana Alix Zzyym (“Dana”) respectfully moves this Court for entry of an Order granting Dana a 30-day extension, until and including May 8, 2019, to file Appellee’s Principal Brief in the above-referenced case.

As grounds in support of this Motion, Dana states as follows:

1. The deadline to file Appellee's Principal Brief is currently set for April 8, 2019. This is Dana's first request for an extension.

2. Defendants-Appellants Michael R. Pompeo and Steven J. Mullen received two extensions to file their opening brief and appendix, totaling 42 days.

3. Dana makes this request because it will not be possible to file Appellee's Principal Brief by the current deadline with the exercise of due diligence. In particular, Dana's counsel have been required to dedicate their time responding to Appellants' Motion for a Stay of the District Court's Injunction Pending Appeal, preventing Dana's counsel from spending that time preparing Dana's Answer Brief. Dana filed that Response on March 11, 2019.

4. In addition, Dana's counsel have the following obligations due during the briefing period:

(a) Mr. Castillo, lead co-counsel for Dana from Lambda Legal, along with Ms. Taylor, are both counsel representing plaintiffs in *Karnoski, et al., v. Trump, et al.*, No. 2:17-cv-1297-MJP (W.D. Wash.), related to accession and retention of transgender people in the military. During the relevant period, counsel face ongoing discovery deadlines, including the production of documents for requests propounded by the *Karnoski* defendants (who are represented by some of the same defense counsel in this matter).

(b) Ms. Chow, lead pro bono co-counsel for Dana from Faegre Baker Daniels LLP, is required, by court order, to serve written responses and objections to requests for production by March 29, 2019 in *In re Pork Antitrust Litig.*, No. 18-cv-1776 (JRT/HB) (D. Minn.)—a consolidated class action involving allegations of price fixing. (*See Pork Antitrust*, Dkt. No. 289, at 7 (denying, in part, the defendants’ motion to stay discovery pending the resolution of their motions to dismiss)).

5. Counsel for Defendants-Appellants consents to the extension requested in this Motion.

WHEREFORE, Dana respectfully requests that this Court extend the deadline for filing Appellee’s Principal Brief to and including May 8, 2019.

Respectfully submitted this 18th day of March, 2019.

*s/Paul D. Castillo*

Paul D. Castillo

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*Attorney for Plaintiff-Appellee Dana Zzyym*

**CERTIFICATE OF COMPLIANCE**

I hereby certify that no privacy redactions are required for this filing; that no paper copies of this filing is required to be submitted; and that the electronic copy of this filing was scanned for viruses using Symantec Endpoint Protection, updated March 11, 2019, and that no viruses were detected.

I hereby certify that this filing complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(A) because this document contains 383 words according to the word count of Microsoft Word 2016.

I further certify that this filing complies with the typeface and type-style requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Times New Roman, a proportionally spaced font, using Microsoft Word 2016.

Dated: March 18, 2019

*s/ Paul D. Castillo*  
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Paul D. Castillo  
*Attorney for Plaintiff-Appellee Dana Zzyym*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of March, 2019, I electronically filed the foregoing **APPELLEE’S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE PRINCIPAL BRIEF** using the appellate CM/ECF system, which, pursuant to Circuit Rule 25.4, constitutes service on all parties registered for electronic filing.

*s/ Paul D. Castillo*  
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Paul D. Castillo  
*Attorney for Plaintiff-Appellee Dana Zzyym*