

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

Telescope Media Group, Carl Larsen, and Angel Larson,

Appellants,

vs.

Rebecca Lucero, in her official capacity as Commissioner of the Minnesota
Department of Human Rights and Keith Ellison, in his official capacity as Attorney
General of Minnesota,

Appellees.

Appeal from U.S. District Court for the District of Minnesota (0:16-cv-04094-JRT)

**APPELLEES' MOTION TO EXTEND TIME
TO FILE PETITION FOR REHEARING/EN BANC REVIEW**

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Appellees Rebecca Lucero, in her official capacity as Commissioner of the Minnesota Department of Human Rights, and Keith Ellison, in his official capacity as Attorney General of Minnesota (“Appellees”) submit the following motion to the Court on this date without request for oral argument.

MOTION

The Panel decision in this case was filed on August 23, 2019. Pursuant to Federal Rules of Appellate Procedure 35(c) and 40(a), Eighth Circuit Local Rules 27A(a)(15), and Eighth Circuit Internal Operating Procedure IV.D., Appellees move the Court to extend the time for filing a petition for rehearing en banc in the above-entitled appeal by fourteen (14) days from September 6, 2019, to September 20, 2019. Pursuant to Eighth Circuit Local Rule 27A(a)(15), the clerk has discretion to grant this motion seeking a short extension of the time to file a petition for rehearing en banc.

ARGUMENT

Given the complexity of the Constitutional issues addressed in the Panel opinion, Appellees request an extension of time in order to further examine the Panel decision, review recent case law, and consider whether to seek rehearing en banc. Good cause exists for the extension of time as the issues raised in this case are complex and consequential, and the Labor Day weekend falls within the window of time to file a petition for rehearing en banc, and during that time frame Appellee’s Counsel has professional and personal commitments. An extension of

time would not be prejudicial to the Appellants as they are not subject to any pending orders, nor will it impact any other deadlines related to this case.

CONCLUSION

Appellees respectfully request that this motion be granted and that the time for filing the petition for rehearing en banc be extended, allowing Appellees to file the petition on or before September 20, 2019.

Dated: August 30, 2019

Respectfully submitted,

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s/Janine Kimble
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**CERTIFICATE OF COMPLIANCE
WITH FRAP 27 AND 32**

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because this motion contains 296 words, excluding the parts exempted under Fed. R. App. P. 32(f)

2. This 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 14-point proportionally spaced Times New Roman typeface using Microsoft Word 2010.

s/Janine Kimble

JANINE KIMBLE

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**CERTIFICATE OF SERVICE
FOR DOCUMENTS FILED USING CM/ECF**

I hereby certify that on August 30, 2019, I electronically submitted 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. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/Janine Kimble
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