

No. 20-3289

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

NICHOLAS K. MERIWETHER,

Plaintiff-Appellant,

v.

THE TRUSTEES OF SHAWNEE STATE UNIVERSITY—Francesca Hartop, Joseph Watson, Scott Williams, David Furbee, Sondra Hash, Robert Howarth, George White, and Wallace Edwards—in their official capacities; JEFFREY A. BAUER, ROBERTA MILLIKEN, JENNIFER PAULEY, TENA PIERCE, DOUGLAS SHOEMAKER, and MALONDA JOHNSON, in their official capacities,

Defendants-Appellees,

JANE DOE and SEXUALITY AND GENDER ACCEPTANCE,

Intervenors-Appellees.

On Appeal from the United States District Court
for the Southern District of Ohio
Case No. 1:18-cv-00753-SJD
The Honorable Susan J. Dlott

**APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE
RESPONSE TO PETITION FOR REHEARING EN BANC**

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Appellant Nicholas K. Meriwether respectfully requests a 14-day extension of time to file his response to the Petition for Panel Rehearing or Rehearing En Banc.

1. Pursuant to this Court's request dated May 25, 2021, Appellant's response is currently due June 8, 2021.

2. Defendants-Appellees and Intervenors-Appellees each received a 30-day extension of time in which to file their Petition for Panel Rehearing or Rehearing En Banc. Appellees used this additional time to solicit multiple amici briefs which introduced new legal arguments and voluminous social-science material that is outside the record. Appellant requests a modest extension of time to review and prepare a comprehensive response to Appellees' petition and their supporting amici briefs for the Court's consideration.

3. Further, counsel for Appellant seeks a short extension of time due to the press of numerous other professional deadlines. Appellant's counsel has the following upcoming litigation deadlines and schedule conflicts:

- An appellants' merits brief in the United States Court of Appeals for the Second Circuit on June 8, 2021 (*Acquest Transit, LLC, et al. v. United States*, No. 21-659);
- A petition for certiorari in the United States Supreme Court on June 10, 2021 (*Seidemann, et al. v. Professional Staff Congress Local 2334, et al.*, 2nd Cir. No. 20-460);

- An amicus brief on the merits in the United States Supreme Court on June 11, 2021 (*Thompson v. Clark*, No. 20-659); and
- Business related travel for client meetings and speaking engagements in three different states from June 1–4, 2021.

4. This request is the first request for an extension of time, and it is made in good faith and not for purposes of delay.

5. Appellant’s counsel has conferred with counsel for Appellees and both have confirmed they have no objection to the requested extension.

For these reasons, Appellant respectfully requests that he be granted a 14-day extension of time, or until June 22, 2021, within which to file his response.

May 27, 2021

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CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limit of FED. R. APP. P. 27(d)(2)(A) because, excluding the parts of the document exempted by FED. R. APP. P. 32(f) and 6th Cir. R. 32(b), this document contains 318 words according to the word count function of Microsoft Word 365.

2. This document complies with the typeface requirements of FED. R. APP. P. 32(a)(5) and the type-style requirements of FED. R. APP. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 365 in 14-point Century Schoolbook font.

/s/ John J. Bursch

John J. Bursch

Date: May 27, 2021

CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2021, a true and accurate copy of the foregoing motion was electronically filed with the Court using the CM/ECF system. Service on counsel for all parties will be accomplished through the Court's electronic filing system.

/s/ John J. Bursch

John J. Bursch

Date: May 27, 2021