

No. 22-5807

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

STATE OF TENNESSEE, ET AL.,
Plaintiffs-Appellees,

ASSOCIATION OF CHRISTIAN SCHOOLS INTERNATIONAL, ET AL.
Intervenors-Appellees,

v.

DEPARTMENT OF EDUCATION, ET AL.,
Defendants-Appellants.

On Appeal from the United States District Court
for the Eastern District of Tennessee, Knoxville Division
Case No. 3:21-cv-00208

**UNOPPOSED MOTION FOR A 7-DAY EXTENSION OF TIME TO
FILE INTERVENORS-APPELLEES' BRIEF**

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Attorneys for Intervenors-Appellees

Pursuant to Federal Rule of Appellate Procedure 27 and Sixth Circuit Rule 26, Intervenors-Appellees respectfully request a 7-day extension of time, to and including January 24, 2023, for filing their principal brief. Counsel for Defendants-Appellants, and Counsel for Plaintiffs-Appellees, have been contacted and do not oppose this request.

On October 25, 2022 this Court issued a revised briefing schedule granting a 30-day extension of time for Appellants' brief, setting a deadline of December 15, 2022 for that brief, which established January 17, 2023 as the deadline for Appellees' and Intervenors' brief.

Intervenors-Appellees request this brief extension of time due to numerous other deadlines in the weeks leading up to the current deadline:

- An amicus brief supporting a petition for writ of certiorari in the U.S. Supreme Court on November 23, 2022, in *Keister v. Bell*, Case No. 22-388.
- A reply brief in the U.S. Court of Appeals for the Second Circuit on December 12, 2022, in *New Yorkers for Religious Liberty v. City of New York*, Case No. 22-1801.
- An amicus brief supporting a petition for writ of certiorari in the U.S. Supreme Court due on December 15, 2022, in *Loper Bright Enterprises v. Raimondo*, Case No. 22-451.
- A reply brief in the Virginia Court of Appeals on December 22, 2022, in *Ibanez v. Albemarle County School Board*, Case No. 0951-22-2.

- A petition for writ of certiorari in the U.S. Supreme Court in *School of the Ozarks v. Biden*, Eighth Circuit Case No. 21-2270, due on December 29, 2022, but for which a deadline extension request is forthcoming.
- A response brief in the U.S. Court of Appeals for the Sixth Circuit on January 6, 2023, in *Chelsey Nelson Photography v. Louisville-Jefferson County Metro Government*, Case No. 22-5912.
- A response brief in the U.S. Court of Appeals for the Fifth Circuit on February 6, 2023, in *Texas v. Becerra*, Case No. 22-11037.

In addition, undersigned counsel's firm will be closed in celebration of the Christmas and New Year's holiday from December 23, 2022, through January 1, 2023, and several of the attorneys assigned to this matter have planned travel and family visits during that week.

Wherefore, Intervenors-Appellees request they be granted a 7-day extension of time, or until January 24, 2023, to file their principal brief.

Dated: November 23, 2022

Respectfully submitted,

/s/ Matthew S. Bowman
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RULE 32(G)(1) CERTIFICATE OF COMPLIANCE

This motion complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because this motion contains 375 words, excluding parts of the motion exempted by Fed. R. App. P. 27(a)(2)(B).

This motion 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 it has been prepared in Word 365 using a proportionally spaced typeface, 14-point Century Schoolbook.

Dated: November 23, 2022

/s/ Matthew S. Bowman
Matthew S. Bowman

Attorney for Intervenors-Appellees

CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2022, I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit by using the appellate 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/ Matthew S. Bowman
Matthew S. Bowman

Attorney for Intervenors-Appellees