

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

ROWAN FOWLER; ALLISTER
HALL; and CARTER RAY,

Plaintiffs-Appellants,

v.

KEVIN STITT, in his official capacity
as Governor of the State of Oklahoma;
KEITH REED, in his official capacity
as Commissioner of Health for the
Oklahoma State Department of Health;
and KELLY BAKER, in her official
capacity as State Registrar of Vital
Records,

Defendants-Appellees.

No. 23-5080

**PLAINTIFFS-APPELLANTS' UNOPPOSED MOTION
FOR EXTENSION TO FILE OPENING BRIEF**

Pursuant to 10th Circuit Rule 27.6, Plaintiffs-Appellants move for a 30-day extension of time to file their opening brief, which is currently due on August 29, 2023. This is Plaintiffs-Appellants' first motion for an extension of time to file their opening brief. Defendants-Appellees do not oppose this request.

Plaintiffs-Appellants seek this brief extension in light of conflicting obligations of counsel in other litigation. The undersigned counsel, Peter Renn, is the attorney principally responsible for handling this appeal. Mr. Renn has conflicting obligations in other matters with two motions for preliminary injunctions and a motion for a temporary restraining order, including depositions

related to that motion practice. *Roe v. Critchfield*, 1:23-cv-00315-DCN (D. Idaho) (motion for temporary restraining order and motion for preliminary injunction); *van Garderen v. State of Montana*, DV-32-2023-0000541-CR (Missoula Cnty.) (motion for preliminary injunction). Because of the expedited nature of the relief sought in those actions, a continuance of the relevant deadlines in those actions is not feasible and would not be sufficient to resolve the conflict presented here.

Those matters need priority over the next several weeks because of the time-sensitive and irreparable nature of the injury at issue. It would also not be practical or efficient for associated counsel to take over this appeal, given Mr. Renn's earlier role in representing Plaintiffs-Appellants in district court proceedings here, nor for associated counsel in the conflicting matters to relieve Mr. Renn of his obligations there given his specific role in those proceedings, including as lead counsel in *Roe*.

In addition, the complexity and importance of the issues presented in this appeal also warrant an extension. Plaintiffs' complaint alleged that Defendants' actions, including the issuance and enforcement of an Executive Order barring transgender people from obtaining birth certificates consistent with their gender identity, violated their constitutional rights secured under the Equal Protection and Due Process Clauses of the Fourteenth Amendment and the Free Speech Clause of the First Amendment. The district court took 8 months after the completion of briefing in order to resolve Defendants' motion to dismiss, and it issued a 46-page

opinion in response to that motion. A brief 30-day extension of time is warranted here in light of the complexity of the constitutional issues presented in this appeal.

For the foregoing reasons, Plaintiffs-Appellants respectfully request that the Court grant them a 30-day extension of time to file their opening brief, which would extend the deadline from August 29, 2023 to September 28, 2023.

DATED: August 1, 2023

Respectfully submitted,

/s/ Peter C. Renn

Peter C. Renn

LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.

800 S. Figueroa St., Ste. 1260

Los Angeles, CA 90017

Telephone: (213) 382-7600

prenn@lambdalegal.org

Counsel for Plaintiffs-Appellants

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,
TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS**

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/s/ Peter C. Renn
Peter C. Renn

Counsel for Plaintiffs-Appellants

ECF CERTIFICATION

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/s/ Peter C. Renn
Peter C. Renn

Counsel for Plaintiffs-Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 1, 2023, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF system for filing, which will send notification of such filing to the following:

Garry Michael Gaskins, II
garry.gaskins@oag.ok.gov

Audrey A. Weaver
audrey.weaver@oag.ok.gov

Zachary Paul West
zach.west@oag.ok.gov

/s/ Peter C. Renn
Peter C. Renn

Counsel for Plaintiffs-Appellants