

[ORAL ARGUMENT NOT YET SCHEDULED]**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

K&D LLC, trading as Cork,

Plaintiff-Appellant,

v.

Trump Old Post Office LLC;
Donald J. Trump,

Defendants-Appellees.

No. 18-7185

CONSENT MOTION FOR AN EXTENSION OF TIME

In accordance with Federal Rule of Appellate Procedure 27 and Circuit Rule 27(h), Appellees Trump Old Post Office LLC and Donald J. Trump respectfully request a 31-day extension of time for filing Appellees' Brief. Specifically, Appellees request that the deadline for their brief be extended from Friday, June 14, 2019 to Monday, July 15, 2019. Appellant has consented to this extension, which is necessary in light of circumstances described below, including other pressing appellate matters for which counsel are responsible. In support of this motion, Appellees state as follows:

1. On April 11, 2019, Appellant sought, without opposition from Appellees, a 30-day extension for filing its opening brief.

2. The Court granted Appellant's motion for an extension of time and entered a revised briefing schedule on April 12, 2019.

3. In accordance with the revised briefing schedule, Appellant filed its opening brief on May 15, 2019.

4. Under the current schedule, Appellees' Brief is due on June 14, 2019.

5. In order to accommodate existing obligations and commitments, Appellees ask that the Court extend the deadline for Appellees' Brief by 31 days, to July 15, 2019.

6. The requested extension is necessary to allow counsel adequate time to prepare Appellees' Brief in light of the issues presented in the case and the circumstances described below.

7. Since the filing of Appellant's Brief and over the next several weeks before the existing June 14 deadline, undersigned counsel for Appellees have and will continue to have a particularly busy practice, including, for example, a petition for certiorari in *Zimmer Biomet Holdings, Inc. v. U.S. District Court*, No. 18-_____ (U.S.), a reply brief in

support of certiorari in *Integrity Staffing Solutions, Inc. v. Busk*, No. 18-1154 (U.S.), and a petition for en banc rehearing in *Sweda v. University of Pennsylvania*, No. 17-3244 (3d Cir.).

8. Appellees, who are separately represented in this matter, also require extra time to enable their counsel to coordinate the filing of a joint appellees' brief.

9. Appellees have not previously sought any extension of their briefing time.

10. Appellant, through counsel, consents to the requested 31-day extension.

11. Because oral argument has not yet been scheduled in this appeal, the requested extension would not affect any existing oral argument schedule.

CONCLUSION

For these reasons, the parties respectfully ask that the Court extend the due date for Appellees' Brief by 31 days to July 15, 2019.

Dated: May 23, 2019

Respectfully submitted,

/s/ Rebecca Woods

/s/ Michael E. Kenneally

Rebecca Woods
rwoods@seyfarth.com
SEYFARTH SHAW LLP
975 F Street, N.W.
Washington, D.C. 20004
T. 202.463.2400

Eric W. Sitarchuk
eric.sitarchuk@morganlewis.com
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, Pennsylvania 19103
T. 215.963.5000

Esther Slater McDonald
emcdonald@seyfarth.com
SEYFARTH SHAW LLP
1075 Peachtree Street, N.E.,
Suite 2500
Atlanta, Georgia 30309
T. 404.885.1500

Fred F. Fielding
fred.fielding@morganlewis.com
Michael E. Kenneally
michael.kenneally@morganlewis.com
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
T. 202.739.3000

*Counsel for
Trump Old Post Office, LLC*

Counsel for Donald J. Trump

CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with Federal Rule of Appellate Procedure 27(d)(1) because it has been prepared in 14-point Century Schoolbook, a proportionally spaced font. I further certify that it complies with Federal Rule of Appellate Procedure 27(d)(2) because it contains 404 words according to the count of Microsoft Word.

Dated: May 23, 2019

/s/ Michael E. Kenneally
Michael E. Kenneally
Counsel for Donald J. Trump

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of May, 2019, I electronically served and filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system. I also hereby certify that the participants in the case are registered CM/ECF users and will be served via the CM/ECF system.

/s/ Michael E. Kenneally _____
Michael E. Kenneally
Counsel for Donald J. Trump