

COURT OF APPEAL Fifth Appellate District Appellate Case No.: <u>F075451</u>	TRIAL COURT CASE NUMBER: JCCP 4408 <hr/> COUNTY: Los Angeles
ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Timothy E. Metzinger STATE BAR NUMBER: 145266 ADDRESS 1: 200 East Carrillo Street ADDRESS 2: Suite 400 CITY: Santa Barbara STATE: CA ZIP: 93101 TELEPHONE NO.: (805) 962-0011 ATTORNEY FOR: Respondent Antelope Valley Watermaster	For Court Use Only
APPELLANT: Phelan Pinon Hills Community Services District RESPONDENT: Antelope Valley Watermaster	
APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF (CIVIL CASE)	

1. I (name): Timothy E. Metzinger request that the time to file (check one):
- ☐ appellant's opening brief (AOB)
☒ respondent's brief (RB)
☐ combined respondent's brief (RB) and appellant's opening brief (AOB) (see rule 8.216)
☐ combined appellant's reply brief (ARB) and respondent's brief (RB) (see rule 8.216)
☐ appellant's reply brief (ARB)
- now due on (date): July 6, 2021 be extended to (date): August 5, 2021
2. I ☐ have ☒ have not received a rule 8.220 notice.
3. I have received:
- ☐ no previous extensions to file this brief.
☒ the following previous extensions:
 (number of extensions): 1 extensions by stipulation totaling (total number of days): 30
 (number of extensions): extensions from the court totaling (total number of days):
 Did the court mark any previous extension "no further?" ☐ Yes ☒ No
4. I am unable to file a stipulation to an extension because
- ☒ the other party is unwilling to stipulate to an extension.
☐ other reason (please specify):
5. The last brief filed by any party was: ☒ AOB ☐ RB ☐ RB and AOB ☐ ARB and RB
 filed on (date):
6. The record in this case is:
- | | <u>Volumes (#)</u> | <u>Pages (#)</u> | <u>Date filed</u> |
|------------------------------|--------------------|------------------|-------------------|
| Appendix/Clerk's Transcript: | 1 | 369 | May 6, 2021 |
| Reporter's Transcript: | | | |
| Augmentation/Other: | | | |
7. ☐ The trial court has ordered the proceedings in this case stayed until this appeal is decided.

APPELLANT: Phelan Pinon Hills Community Services District
RESPONDENT: Antelope Valley Watermaster

COURT OF APPEAL CASE NUMBER:

F075451

8. The reasons that I need an extension to file this brief are stated

☒ below

☐ on a separate declaration. You may use *Attached Declaration (Court of Appeal)* (form APP-031) for this purpose.

(Please specify; see Cal. Rules of Court, rule 8.63, for factors used in determining whether to grant extensions):

Per CRC Rule 8.63(b)(9), I request the above-referenced extension because of the following time-limited commitments that prevent filing the Respondent's Brief on the current due date:

Trial in O'Bryan v. Nusil Technology, LLC, Kern County Superior Court Case No. BCV-19-100159. Until June 29, 2021 (two days ago), this case was set to go out on July 12, 2021, and therefore I have been obliged to spend most of the last three weeks preparing for this trial. On June 29, 2021, the court (Honorable Thomas Clark) continued the trial for six months, but I was unaware beforehand that such a continuance would be ordered.

Trial in Sullivan v. Nusil Technology, LLC, Kern County Superior Court Case No. BCV-20-100529, set for July 17, 2021. Since the trial of the O'Bryan case would have resulted in a continuance of the Sullivan trial, I focused my trial preparations efforts on the O'Bryan case, and now that the latter case has been continued, I must devote a similar amount of attention over the next three weeks to the Sullivan trial.

Another factor in favor of granting the requested continuance is that I had minimal involvement in the trial court with the proceeding giving rise to this appeal. (CRC Rule 8.63(b)(7).)

9. For attorneys filing application on behalf of client, I certify that I have delivered a copy of this application to my client (Cal. Rules of Court, rule 8.60).

10. A proof of service of this application on all other parties is attached (see Cal. Rules of Court, rule 8.50). You may use *Proof of Service (Court of Appeal)* (form APP-009) or *Proof of Electronic Service (Court of Appeal)* (form APP-009E) for this purpose.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: June 30, 2021

Timothy E. Metzinger

(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY)

Order on Application is ☐ below ☐ on a separate document


ORDER

EXTENSION OF TIME IS:

☐ Granted to (date): _____

☐ Denied

Date: _____


(SIGNATURE OF PRESIDING JUSTICE)

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