

NO: 12-57074

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

SALVATORE GALLUCCI; DORIS PETTY; JEANNE PRINZIVALLI; AMY
ARONICA AND KIM JONES

Plaintiffs-Appellees

vs.

BOIRON, INC. AND BOIRON USA, INC.
Defendants-Appellees,

DAVID JOHNSON AND MARIA CARAPIA

Objectors-Appellants

From the United States District Court
for the Southern District of California
No. 3:11-CV-02039-JAH-NLS

Motion of David Johnson and Maria Carapia for An Additional Extension of Time
to File Opening Brief; Request for Permission to File Late Request; Memorandum
of Points and Authorities; Declaration of Joseph Darrell Palmer

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Memorandum of Points and Authorities

For good cause shown, the Court may grant an extension of time to file an Opening Brief. (Fed. R. App. P. 26(b), Circuit R. 31-2.2).

Petitioners David Johnson and Maria Carapia request an additional thirty-day extension to file their opening brief and also request permission to file a late request. All parties who have appeared in the case have been informed of this request. Appellees have not responded to our request. The opening brief is due on Friday, March 22, 2013. If the extension is granted the opening brief will be due on April 22, 2013.

As demonstrated by the attached declaration of Joseph Darrell Palmer, good cause exists for granting the extension.

Dated: March 21, 2013

Law Offices of Darrell Palmer PC

/s/ Joseph Darrell Palmer
Joseph Darrell Palmer
Attorney for Appellants
David Johnson and Maria Carapia

DECLARATION BY JOSEPH DARRELL PALMER

I, Joseph Darrell Palmer, declare that:

1. I am attorney admitted to practice before all the Courts of the State of California, the United States District Court for the Southern District, and the U. S. Court of Appeals for the Ninth Circuit. I have personal knowledge of the facts as set forth herein and if called upon to testify, could competently do so.

2. This Declaration is made in support of the movants' request for an order extending additional time to file their opening brief to April 22, 2013, and permission to file a late request.

3. I informed all attorneys who have appeared in the case about my intent to request the extension. Appellees have not yet responded to my request.

4. This additional extension request is necessitated due to my unavailability as a result of (1) preparing two other appellate opening briefs which are due within the next two weeks, (2) the associate handling this matter advanced her maternity leave date by one month and as such I must again become familiar with the case to prepare the opening brief, and (3) press of other business.

5. The court reporter is not in default with regard to any designated transcripts.

I declare under penalty of perjury, under the laws of the State of California and the United States of America, that the foregoing is true and correct. Executed this 21st day of March at Solana Beach, California.

/s/ Joseph Darrell Palmer
Joseph Darrell Palmer

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on March 21, 2013.

I certify that all parties in this case who are registered CM/ECF users that service will be accomplished by the appellate CM/ECF system. All non-ECF participants will be served by US Mail, postage prepaid.

/s/ Joseph Darrell Palmer
Joseph Darrell Palmer