

**Scharf-Norton Center for Constitutional Litigation at the  
GOLDWATER INSTITUTE**

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

A.D. and C. by CAROL COGHLAN  
CARTER, their next friend;  
S.H. and J.H., a married couple;  
M.C. and K.C., a married couple;  
for themselves and on behalf of a class of  
similarly-situated individuals,  
Plaintiffs,

vs.

KEVIN WASHBURN, in his official  
capacity as Assistant Secretary of BUREAU  
OF INDIAN AFFAIRS;  
SALLY JEWELL, in her official capacity as  
Secretary of Interior, U.S. DEPARTMENT  
OF THE INTERIOR;  
GREGORY A. McKAY, in his official  
capacity as Director of ARIZONA  
DEPARTMENT OF CHILD SAFETY,  
Defendants.

No. CV-15-1259-PHX-NVW

**MOTION FOR EXTENSION OF  
TIME TO RESPOND TO THE  
AMICUS BRIEFS**

1 Defendants Jewell, Washburn, and McKay filed their Motions to Dismiss  
2 on October 16, 2015. Plaintiffs' response to the two Motions to Dismiss is due on  
3 November 13, 2015. On October 23, 2015, two sets of amicus curiae briefs were filed in  
4 support of Defendants' Motions to Dismiss. Additionally, Gila River Indian Community  
5 filed a Motion to Intervene to which a response was duly filed on November 2, 2015. In a  
6 span of four weeks, thus, Plaintiffs are burdened with drafting responses to:

- 7 1) State Defendant's Motion to Dismiss;
- 8 2) Federal Defendants' Motion to Dismiss;
- 9 3) Gila River Indian Community's Motion to Intervene;
- 10 4) Amicus Brief filed by National Congress of American Indians, *et al.*; and
- 11 5) Amicus Brief filed by Casey Family Programs, *et al.*

12 Pursuant to court order, Plaintiffs' response to the Defendants' Motions to Dismiss  
13 is due and will be filed on November 13, 2015.

14 Plaintiffs filed their Opposition to Gila River Indian Community's Motion to  
15 Intervene on November 2, 2015.

16 Plaintiffs, therefore, respectfully request an extension of time to respond to the  
17 amicus briefs. Plaintiffs asked counsel for all parties and amici whether they would  
18 consent. All but the state Defendant take "no position" on Plaintiffs' request. Plaintiffs  
19 have not heard from the state Defendant as to the state Defendant's position on Plaintiffs'  
20 request as of the time of this filing.

21 Ordinarily, there is no set schedule for responses to amicus briefs. Amicus briefs at  
22 the motion to dismiss stage are highly unusual and Plaintiffs want to ensure the Court has  
23 the benefit of Plaintiffs' position on the contents of the amicus curiae briefs. An extension  
24 is appropriate and non-prejudicial. The extension sought is in good faith and not for  
25 purposes of delay. The extension of time best serves the administration of justice in this  
26 case.

1 Plaintiffs respectfully request that the Court grant Plaintiffs' motion and enter an  
2 order to the effect that Plaintiffs' response to amicus curiae briefs is due to be filed no  
3 later than November 27, 2015.

4  
5 **RESPECTFULLY SUBMITTED** this 2nd day of November, 2015 by:

6  
7 /s/ Aditya Dynar

8 Clint Bolick (021684)

9 Aditya Dynar (031583)

10 **Scharf-Norton Center for Constitutional Litigation**  
11 **at the GOLDWATER INSTITUTE**

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15 **COOPER & KIRK, PLLC**

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17 *Attorneys for Plaintiffs*  
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**CERTIFICATE OF SERVICE**

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/s/ Kris Schlott \_\_\_\_\_  
Kris Schlott

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**PROPOSED ORDER**

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The Court having considered the Plaintiffs' Motion for Extension of Time to November 27, 2015 to Respond to the Amicus Briefs, and good cause appearing,

**IT IS ORDERED** that the Motion is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiffs shall file their response to amicus briefs no later than November 27, 2015.