

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

ANTHONY PISZEL,)	
)	
Plaintiff-Appellant,)	
)	
v.)	2015-5100
)	
UNITED STATES,)	
)	
Defendant-Appellee.)	

**DEFENDANT-APPELLEE'S UNOPPOSED
MOTION FOR AN EXTENSION OF TIME**

Pursuant to Fed. R. App. P. 26(b), defendant-appellee, the United States, respectfully requests that the Court grant a 10-day extension of time, to and including November 20, 2015, to file the response in opposition to the brief of plaintiff-appellant, Anthony Pizsel. The United States' response brief is currently due on November 10, 2015. This is the United States' second request for additional time for this purpose. We have contacted Mr. Pizsel's counsel, William Donnelly, concerning this motion, and he had informed us that Mr. Pizsel does not oppose the requested extension.

Since receiving an extension in this appeal, undersigned counsel for the United States has, among other things, prepared the Government's appellate brief in *Carriage House West II Assocs., LP v. United States*, No. 13-5132 (Fed. Cir.), performed work on various aspects of three related taking cases (*Colonial*

Chevrolet Co. v. United States, No. 10-647C; (Fed. Cl.); *Alley's of Kingsport, Inc. v. United States*, No. 11-100C (Fed. Cl.); and *Spitzer Motor City v. United States*, No. 12-900C (Fed. Cl.)), drafted and filed a motion for summary judgment in *Gadsden Industrial Park, LLC v. United States*, No. 10-757C (Fed. Cl.), and prepared the Government's response and cross-motion regarding a motion for summary judgment in *Gadsden Industrial Park, LLC v. United States*, No. 13-924L (Fed. Cl.). These responsibilities have affected counsel's ability to dedicate time to this appeal.

This extension of time is sought to enable assigned counsel to review relevant materials, confer with the agency, complete the United States' brief, and obtain supervisory review, while at the same time complying with continuing responsibilities in other matters. The requested extension of time is reasonable under the circumstances.

Accordingly, the United States respectfully requests that this unopposed motion for extension be granted and that the Court permit the filing of United States' brief on or November 20, 2015.

Respectfully submitted,

BENJAMIN C. MIZER
Principal Deputy Assistant
Attorney General

ROBERT E. KIRSCHMAN, JR.
Director

s/ Franklin E. White, Jr.

FRANKLIN E. WHITE, JR.
Assistant Director

s/ David A. Harrington

DAVID A. HARRINGTON
Senior Trial Counsel
Commercial Litigation Branch
Civil Division
U.S. Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, D.C. 20044
(202) 616-0465
(202) 305-7644 (fax)

November 4, 2015

Attorneys for Defendant- Appellee

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 4th day of November, 2015, a copy of the foregoing Defendant-Appellee's Unopposed Motion For An Extension Of Time, the Declaration of David A. Harrington, and a Proposed Order was filed electronically.

X This filing was served electronically to all parties by operation of the Court's electronic filing system.

/s/ David A. Harrington

- A copy of this filing was served via:
- hand delivery
 - mail
 - third-party commercial carrier for delivery within 3 days
 - electronic means, with the written consent of the party being served

To the following address:

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

ANTHONY PISZEL,)	
)	
Plaintiff-Appellant,)	
)	
v.)	2015-5100
)	
UNITED STATES,)	
)	
Defendant-Appellee.)	

DECLARATION OF DAVID A. HARRINGTON

In support of the motion of the United States for an extension of time, pursuant to 28 U.S.C. § 1746, I, David A. Harrington, declare as follows:

1. I am the lead attorney assigned to this action for defendant-appellee, the United States.
2. Pursuant to Federal Circuit Rule 26(b)(5), the circumstances that warrant this extension are set forth below.
3. Since receiving an extension in this appeal, I have, among other things, prepared the Government’s appellate brief in *Carriage House West II Assocs., LP v. United States*, No. 13-5132 (Fed. Cir.), performed work on various aspects of three related taking cases (*Colonial Chevrolet Co. v. United States*, No. 10-647C; (Fed. Cl.); *Alley’s of Kingsport, Inc. v. United States*, No. 11-100C (Fed. Cl.); and *Spitzer Motor City v. United States*, No.

12-900C (Fed. Cl.)), drafted and filed a motion for summary judgment in *Gadsden Industrial Park, LLC v. United States*, No. 10-757C (Fed. Cl.), and prepared the Government's response and cross-motion regarding a motion for summary judgment in *Gadsden Industrial Park, LLC v. United States*, No. 13-924L (Fed. Cl.). These responsibilities have affected my ability to dedicate time to this appeal.

4. This requested extension of time is sought to enable me to review relevant materials, confer with the agency, complete the United States' brief, and obtain supervisory review, while at the same time complying with continuing responsibilities in other matters. It is reasonable under the circumstances.

Executed this 4th day of November 2015.

s/ David A. Harrington
David A. Harrington
Attorney
Civil Division

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

ANTHONY PISZEL,)	
)	
Plaintiff-Appellant,)	
)	
v.)	2015-5100
)	
UNITED STATES,)	
)	
Defendant-Appellee.)	

ORDER

Upon reading and considering DEFENDANT-APPELLEE’S UNOPPOSED MOTION FOR AN EXTENTION OF TIME and all other relevant papers and proceedings, it is

ORDERED that defendant-appellee’s motion is granted and defendant-appellee’s response to the brief of plaintiff-appellant is due to be filed on or before November 20, 2015.

FOR THE COURT

Dated: _____, 2015

Washington, D.C.

cc: David A. Harrington, Esq.
William Donnelly, Esq.