

No. 24-1757

**In the United States Court of Appeals
for the Federal Circuit**

NATIONAL VETERANS LEGAL SERVICES PROGRAM,
NATIONAL CONSUMER LAW CENTER, and ALLIANCE FOR JUSTICE,
for themselves and all others similarly situated,
Plaintiffs-Appellees,

v.

UNITED STATES OF AMERICA,
Defendant-Appellee,

v.

ERIC ALAN ISAACSON
Interested Party-Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
CASE NO. 1:16-745-PLF (THE HON. PAUL L. FRIEDMAN)

**DECLARATION OF DEEPAK GUPTA IN SUPPORT OF APPELLEES’
UNOPPOSED JOINT MOTION FOR AN EXTENSION OF TIME**

I, Deepak Gupta, hereby declare:

1. I am a member in good standing of the bar of the District of Columbia and of this Court, an attorney at Gupta Wessler LLP, and counsel for the plaintiffs-appellees in this appeal.

2. There is good cause for the appellees' unopposed joint request for a thirty-day extension of time to file their response briefs for the following reasons.

3. The appellant, Eric Alan Isaacson, is still in the process of producing a working joint appendix for all parties to use in their briefs. This has made it difficult for the plaintiffs' and defendant's counsel to prepare and complete their briefs within the deadline, as they cannot include and check any record citations until Mr. Isaacson produces the working joint appendix and sends it to us. In addition, the parties may require additional time to check and confer about the working joint appendix before the briefs are filed.

4. Counsel with primary responsibility for drafting the brief for the plaintiffs, myself and Jonathan E. Taylor, have an unusual number of pressing obligations that have taken up and will continue to take up substantial time over the next month or so. Among other things, I am counsel of record for parties on the merits in two U.S. Supreme Court cases, both of which have merits briefs due this month and have required (and will continue to require) a substantial amount of my time. I also have an oral argument set in September in a complex federal appeal. Mr. Taylor likewise has primary responsibility for several other appellate briefs and an oral argument in September in a complex appeal. Our colleagues at Gupta Wessler have their own deadlines that will prevent them from helping with the preparation of the brief. These obligations will make it difficult to properly prepare the brief

absent the requested extension. Specifically, Mr. Taylor and I have the following upcoming deadlines over the next two months:

- A reply brief due in the Missouri Court of Appeals in *Ameer v. Lyft*, No. ED112455, on August 30, 2024;
- A brief due in the Washington Court of Appeals in *Clinger v. Pharmacia, LLC*, No. 86188-3, on September 5;
- A merits brief due in the Supreme Court of the United States in *Stanley v. City of Sanford*, No. 23-997, on September 9, 2024;
- An oral argument in the Missouri Court of Appeals in *Ameer v. Lyft*, No. ED112455, on September 10, 2024;
- An amicus brief due in the Third Circuit in *Bristol Myers Squibb Co. v. U.S. Secretary of Health and Human Services and Janssen Pharmaceuticals Co. v. U.S. Secretary of Health and Human Services*, Nos. 24-1820 and 24-1821, respectively, on September 16;
- A reply brief due in the Eighth Circuit in *Vogt v. Progressive Casualty Insurance Co.*, No. 24-1808, on September 18;
- A merits brief due in the Supreme Court of the United States in *NVIDIA Corp. v. E. Ohman for Fonder AB*, No. 23-970, on September 25;
- An oral argument in the Fourth Circuit in *Alig v. Rocket Mortgages*, No. 22-2289, on September 26;

- A reply brief due in the Second Circuit in *Cantero v. Bank of America*, No. 21-400, on October 2;
- A reply brief due in the Second Circuit in *Hymes v. Bank of America*, No. 21-403, on October 2.

5. The defendant-appellee United States joins in this requested extension. Counsel for the United States has travel plans from September 23 to October 4 that would conflict with a possible two- or three-week extension. This motion accordingly requests a thirty-day extension, to address the issues raised above and to give counsel for the United States sufficient time to finalize and file its brief once the working joint appendix is produced.

6. The appellant, Mr. Isaacson, does not oppose this motion.

I declare under penalty of perjury under 28 U.S.C. § 1746 that the above is true and accurate to the best of my knowledge.

Respectfully submitted,

/s/ Deepak Gupta
DEEPAK GUPTA
GUPTA WESSLER LLP
2001 K Street NW
Suite 850 North
Washington, DC 20006
(202) 888-1741
deepak@guptawessler.com

August 30, 2024

Counsel for Plaintiffs-Appellees

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2024, I electronically filed the foregoing affidavit with the Clerk of the Court for the U.S. Court of Appeals for the Federal Circuit by using the CM/ECF system. All participants are registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/ Deepak Gupta
Deepak Gupta