

No. 2024-1757

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

NATIONAL VETERANS LEGAL SERVICES PROGRAM, NATIONAL
CONSUMER LAW CENTER, ALLIANCE FOR JUSTICE, Plaintiffs-
Appellees,

v.

UNITED STATES, Defendant-Appellee.

v.

ERIC ALAN ISAACSON, Interested Party-Appellant

Appeal from the United States District Court
for the District of Columbia
in 1:16-cv-00745-PLF
The Honorable Paul L. Friedman

**MOTION FOR AN EXTENSION OF TIME
TO FILE A CONFORMING APPENDIX**

ERIC ALAN ISAACSON
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Interested Party-Appellant Eric Alan Isaacson respectfully requests a 7-day extension of time within which to file a conforming Corrected Appendix for this appeal.

When Isaacson filed his Opening Brief in this matter on July 1, 2024, he simultaneously submitted a separate appellant's appendix—as he has done in other circuits where he more regularly practices. In response to the Clerk's July 9, 2024, Notice of Non-Compliance, Isaacson on July 16, 2024, filed a Corrected Opening Brief and Corrected Appendix correcting each of the deficiencies identified by the Clerk's Notice.

Shortly after doing so, Isaacson realized that his Corrected Appendix failed to conform with this Court's rules governing the initial assembly and construction of an appendix by means of the parties' designations, with the final conforming Appendix to be finalized and filed only after the briefing is completed. *See* Fed.Cir.R.30.

Isaacson notified opposing counsel of his error, with apologies, by email on the evening of July 16, 2024. The parties then proceeded to create working appendix by making designations in line with the process contemplated by this Court's rules.

The working designations were used by both Appellees in their principal Response Briefs filed on October 11, 2024, and also by Isaacson in his Reply Brief which he filed on November 22, 2024, and which remains subject to the Clerk's compliance review. Although the Appendix citations in Isaacson's Corrected Opening Brief did not conform to the parties' designations, each featured a parenthetical identifying the district-court docket entries and original page numbers of the cited materials. Isaacson will be filing another Corrected Opening Brief, pursuant to Fed.Cir.R. 25(i), with corrected Appendix citations.

Under Federal Circuit Rule 30(a)(2), the appellant is to "serve and file the appendix within seven (7) days after the last reply brief is served and filed." That would be Friday, November 29, 2024.

Given the Thanksgiving Holiday on Thursday, November 28, 2024, however, the parties have not been able to complete the process of winnowing down the materials to be included. Counsel for Appellees National Veterans Legal Services Program, et al., Jonathan Taylor, moreover, currently is working on a major brief due Tuesday, December 3, 2024.

Isaacson accordingly seeks an extension of seven days, from Friday November 29, 2024, to Friday December 6, 2024, to file an appropriate conforming Corrected Appendix in this case.

DATED: November 29, 2024 Respectfully submitted,

/s/ Eric Alan Isaacson

Eric Alan Isaacson

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Objector-Appellant

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 667 words excluding the parts of the motion exempted by Rule 32(f). This motion complies with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6) because it has been prepared in proportionally spaced typeface using Microsoft Word (version 16.91(24111020) in 14-point Century Schoolbook font.

/s/ Eric Alan Isaacson

Eric Alan Isaacson

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CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2024, I am electronically filing the foregoing motion 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/ Eric Alan Isaacson

Eric Alan Isaacson

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ERIC ALAN ISAACSON, Interested Party-Appellant

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The Honorable Paul L. Friedman

**DECLARATION OF ERIC ALAN ISAACSON IN SUPPORT OF
MOTION FOR AN EXTENSION OF TIME
TO FILE A CONFORMING APPENDIX**

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I, Eric Alan Isaacson, hereby declare:

1. I am a member in good standing of the bar of the Supreme Court of California, and of the bar of this Court, who is pursuing this appeal pro se.

2. I make this declaration in support of my motion requesting a seven-day extension of time within which to file a conforming Appendix, from the November 29, 2024, the default due date set by Federal Circuit Rule 30(a)(2), to December 6, 2024.

3. This is my first request for an extension of time to file the Appendix.

4. I believe that good cause exists for my request, as set forth herein.

5. When I filed my Opening Brief in this matter on July 1, 2024, I simultaneously submitted a separate appellant's appendix—as I have done in other circuits where I more regularly practice.

6. In response to the Clerk's July 9, 2024, Notice of Non-Compliance, on July 16, 2024, I filed a Corrected Opening Brief and Corrected Appendix, correcting each of the deficiencies identified by the Clerk's Notice.

7. Shortly after doing so, I realized that my Corrected Appendix failed to conform with this Court's rules governing the initial assembly and construction of an appendix by means of the parties' designations, with the final conforming Appendix to be finalized and filed only after the briefing is completed. *See* Fed.Cir.R.30.

8. I notified opposing counsel of my error, with apologies, by email on the evening of July 16, 2024.

9. The parties then proceeded to create a working appendix by making designations in line with the process contemplated by this Court's rules.

10. The working designations were used by both Appellees in their principal Response Briefs filed on October 11, 2024, and also by me in my Reply Brief, which I filed on November 22, 2024, and which remains subject to the Clerk's compliance review.

11. Although the Appendix citations in my Corrected Opening Brief failed to conform to the parties' designations, each featured a parenthetical identifying the district-court docket entries and original page numbers of the cited materials.

12. I will be filing another Corrected Opening Brief, pursuant to Fed.Cir.R. 25(i), with corrected Appendix citations.

13. Under Federal Circuit Rule 30(a)(2), the appellant is to “serve and file the appendix within seven (7) days after the last reply brief is served and filed.” That would be Friday, November 29, 2024.

14. Given the Thanksgiving Holiday on Thursday, November 28, 2024, however, the parties have not been able to complete the process of winnowing down the materials to be included. Counsel for Appellees National Veterans Legal Services Program, et al., Jonathan Taylor, moreover, currently is working on a major brief due Tuesday, December 3, 2024.

15. Isaacson accordingly seeks an extension of seven days, from Friday November 29, 2024, to Friday December 6, 2024, to file an appropriate conforming Corrected Appendix in this case.

16. Counsel for Defendant-Appellee United States and counsel for Plaintiffs-Appellees NVLSP et al. have been informed of this request for a 7-day extension. Counsel for Plaintiffs-Appellees NVLSP et al. have affirmatively indicated that they do not oppose the request.

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

DATED: November 29, 2024

/s/ Eric Alan Isaacson

Eric Alan Isaacson

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Objector-Appellant

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/s/ Eric Alan Isaacson

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