



1-1-2011

Kinder v. Geithner - Motion for Expedited and Extended Argument

Peter Kinder

Follow this and additional works at: <http://digitalcommons.law.scu.edu/aca>

 Part of the [Health Law Commons](#)

Automated Citation

Kinder, Peter, "Kinder v. Geithner - Motion for Expedited and Extended Argument" (2011). *Patient Protection and Affordable Care Act Litigation*. Paper 298.

<http://digitalcommons.law.scu.edu/aca/298>

This Motion is brought to you for free and open access by the Research Projects and Empirical Data at Santa Clara Law Digital Commons. It has been accepted for inclusion in Patient Protection and Affordable Care Act Litigation by an authorized administrator of Santa Clara Law Digital Commons. For more information, please contact sculawlibrarian@gmail.com.

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

PETER D. KINDER, <i>ET AL.</i> ,)	
)	
<i>Plaintiffs-Appellants,</i>)	
v.)	No. 11-1973
)	
TIMOTHY F. GEITHNER, <i>ET AL.</i> ,)	
)	
<i>Defendants-Appellees.</i>)	

**PLAINTIFFS' UPOPOSED MOTION FOR
EXPEDITED ORAL ARGUMENT AND AN EXTENDED TIME
FOR ARGUMENT**

Pursuant to Fed. R. App. P. 34(a)(1), Plaintiffs submit the following in support of an expedited oral argument in this case, as well as, extended time for argument to allow each side 30 minutes to present their arguments to this Court:

1. This case was originally filed in the District Court for the Eastern District of Missouri, Southern Division, on July 7, 2010.
2. Judge Rodney W. Sippel, issued his opinion dismissing this case for lack of standing on April 26, 2011. The Plaintiffs filed their appeal three days later on April 29, 2011.
3. On May 4, 2011, this Court issued its briefing schedule.
4. Both the Appellants' Opening Brief and the Appellees' Response Brief have been filed with this Court. Appellants' Reply Brief is due on August 25, 2011.

5. For the reasons stated more fully in the brief of *amici curiae* Executive and Legislative Officials of States Within the Eighth Circuit in Support of Appellants, this appeal presents a constitutional issue of great moment and of tremendous concern to not only the individual plaintiffs, but also to the citizens and the states in this Circuit. (See Brief of Amici Curiae Executive and Legislative Officials of States Within the Eighth Circuit in Support of Appellants, filed July 18, 2011, pp. 12-22).

6. The seven sovereign states subject to this Court's jurisdiction are already having to act to implement provisions of this PPACA. *Id.* The Plaintiffs and other individuals also subject to this Court's jurisdiction are having to make arrangements to comply with the Individual Mandate.

7. Accordingly, Plaintiffs ask that this Court to hear oral argument in this case at the Court's earliest convenience.

8. Also, pursuant to Fed. App. R. 34(b), Plaintiffs ask that each side be given 30 minutes to make their argument to this Court.

9. This additional time is necessary due to the complexity of the issues raised on appeal and because this issue is one of first impression for this Court.

10. Plaintiffs' counsel discussed the request for an expedited oral argument and extended time for argument with counsel for the government.

Counsel for the government indicated the government does not oppose Plaintiffs' request for expedited oral argument and extended time for argument.

WHEREFORE Plaintiffs respectfully request this Court to set this case for oral argument at the Court's earliest convenience and to allow each side 30 minutes to present their argument; and for any further relief this Court deems just and proper.

August 12, 2011

ARENT FOX, LLP

/s/ Mark F. ("Thor") Hearne, II

Mark F. ("Thor") Hearne, II

Lindsay S.C. Brinton

Phone: (314) 721-0219

Fax: (202) 857-6395

thornet@ix.netcom.com

brinton.lindsay@arentfox.com

1050 Connecticut Avenue, NW

Washington, DC 20036-5339

Phone: (202) 857-6000

Robert C. O'Brien

Steven A. Haskins

555 West Fifth Street, 48th Floor

Los Angeles, CA 90013

Phone: (213) 629-7400

Fax: (213) 629-7401

obrien.robert@arentfox.com

haskins.steven@arentfox.com

Attorneys for Plaintiffs