

JOHN R. KROGER
 Attorney General of Oregon
 JEROME LIDZ
 Solicitor General
 MICHAEL A. CASPER
 Assistant Attorney General
 1162 Court Street N.E.
 Salem, Oregon 97301-4096
 Telephone: (503) 378-4402

Counsel for Defendants-Appellees

IN THE UNITED STATES COURT OF APPEALS
 FOR THE NINTH CIRCUIT

POWELL'S BOOKS, INC., et al.

Plaintiffs-Appellants,

v.

JOHN KROGER, et al.

Defendants-Appellees.

U.S.C.A. Nos. 09-35153

MOTION FOR EXTENSION OF TIME

Pursuant to Ninth Circuit Rule 28-4, defendants John Kroger et al. move for a 34-day extension of time in which to file the appellee's brief in this case.

This brief is currently due August 24, 2009. Defendants are preparing a single brief responding to the appellants' briefs in cases 09-35153 and 09-35154.

Because they are responding to multiple briefs, respondents further request an enlargement of size of 5 pages.

This motion is supported by the attached affidavit of Michael A. Casper.

Respectfully submitted,

JOHN R. KROGER #077207
Attorney General
JEROME LIDZ #772631
Solicitor General

/s/ Michael A. Casper

MICHAEL A. CASPER #062000
Assistant Attorney General

Attorneys for Defendants-Appellees

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2009, I directed the Motion for Extension of Time to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Michael A. Casper

MICHAEL A. CASPER
Assistant Attorney General