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IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

POWELL'S BOOKS, INC., et al.

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

Plaintiffs-Appellants,

v.

JOHN KROGER, et al.

MOTION FOR EXTENSION OF TIME

Defendants-Appellees.

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,

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/s/ Michael A. Casper  
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## **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  
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Assistant Attorney General