

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 Appellees

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

AMERICAN CIVIL LIBERTIES
UNION, et al.

U.S.C.A. No. 09-35154

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,

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.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Rachel G. Balaban
Sonnenschein Nath &
Rosenthal L.L.P.
1221 Avenue of the Americas
24th floor
New York, New York 10020

/s/ Michael A. Casper
MICHAEL A. CASPER
Assistant Attorney General

Attorney for Defendants-Appellees