

No. 15-60588

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

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KATCH KAN USA, L.L.C.,  
Petitioner/Cross-Respondent/Appellant

v.

NATIONAL LABOR RELATIONS BOARD,  
Respondent/Cross-Petitioner/Appellee.

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**APPELLANT’S UNOPPOSED MOTION FOR SECOND EXTENSION  
OF TIME WITHIN WHICH TO FILE APPELLANT’S BRIEF**

COMES NOW the Petitioner/Cross-Respondent/Appellant and respectfully moves this court, pursuant to Fed.R.App.P.26(b) and Fifth Circuit Rule 31.4.3.1 for a second extension of time within which to file the Appellant’s Reply Brief, and would show unto the Court in support thereof the following:

1. Appellant’s Reply Brief is currently due on March 28, 2016. Appellant’s Reply Brief initially was due March 14, 2016; however, the Court granted an initial enlargement of fourteen (14) days by order dated March 7, 2016.

2. Counsel for Appellant requests this Court for a brief extension of time in which Appellant may file and serve its Reply Brief by five (5) days to and including April 1, 2016.

3. This request is based on facts that could not with due diligence have been known earlier. The attorney with primary responsibility for preparing this brief, Matthew Kelley, an associate at the undersigned counsel's firm, had an illness and death in the family that necessitated his unexpected absence from work for a period of five days during the week of March 14, 2016. (Although Mr. Kelley has not appeared in this matter, he has significantly assisted in researching and drafting Appellant's briefs under the supervision of the undersigned.)

4. In addition, following Mr. Kelley's return to work, Appellant's other counsel responsible for the Reply Brief, Christopher Murray, was required to be out of the office March 22-25, 2016, to take five previously scheduled depositions in two pending nationwide collective actions, *Crawford v. Professional Transportation, Inc.*, No. 3:14-cv-18 (S.D. Ind.) and *Smith v. Professional Transportation, Inc.*, No. 3:13-cv-00221-RLY-WGH (S.D. Ind.).

5. Due to the above, Appellant respectfully requests an additional, short enlargement of time to allow it and its counsel sufficient time to finalize Appellant's Reply Brief.

6. Appellant's counsel has discussed the requested extension of time with the attorney for the NLRB in this action, who states the Government has no objection and that this Motion is unopposed by the Government.

5. This request is not for purposes of delay but for the reasons set forth herein. Appellant respectfully submits that good cause exists for this Court's granting of this extension of time to file Appellant's reply brief in this cause on or until April 1, 2016.

**WHEREFORE PREMISES CONSIDERED**, Appellant moves for an extension of time, through and including April 1, 2016, within which to file Appellant's Reply Brief.

**RESPECTFULLY SUBMITTED**, this the 28<sup>th</sup> day of March, 2016.

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**CERTIFICATE OF SERVICE**

I certify that on March 28, 2016, the foregoing document for Petitioner/Cross-Respondent/Appellant, Katch Kan USA, L.L.C. was filed electronically with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to the following registered Cm/ECF users properly addressed to the following:

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