

No. 08-17094

**In the United States Court of Appeals
for the Ninth Circuit**

MARIA M. GONZALEZ; et al.,
Plaintiffs-Appellants,

v.

STATE OF ARIZONA; et al.,
Defendants-Appellees,

THE INTER TRIBAL COUNCIL OF ARIZONA, INC.; et al.,
Plaintiffs-Appellants,

v.

STATE OF ARIZONA; et al.,
Defendants-Appellees,

*On Appeal from the United States District Court
for the District of Arizona*
Nos. 06-cv-01268-PHX-ROS; 06-cv-01362-ROS

**APPELLANT'S UNOPPOSED MOTION FOR LEAVE
TO FILE OPENING BRIEF OUT OF TIME**

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Come now Plaintiffs-Appellants, *Maria M. Gonzalez, et al.*, and file this Unopposed Motion for Leave to File Opening Brief out of Time. In support, Plaintiffs-Appellants show the following:

1. Pursuant to the Court's Order of December 4, 2008 (Dkt. No. 6728109), Plaintiffs-Appellants' Opening Brief was due January 20, 2009.
2. Plaintiffs-Appellants filed their Opening Brief at 3:55am on January 21, 2009. *See* Dkt. No. 6776880.
3. Plaintiffs-Appellants filed their brief late after encountering unexpected difficulties in replacing the citations to the record in the Opening Brief with citations to the Excerpts of Record.
4. Plaintiffs-Appellants worked diligently in an attempt to meet the January 20 deadline but required several hours additional time to complete their Opening Brief.

5. Counsel for Plaintiffs-Appellants conferred with counsel for Defendants-Appellees with respect to this motion and Defendants-Appellees indicated they are not opposed to this motion.
6. This motion is sought for good cause and not for the purpose of delay.
7. For the reasons set forth above, Plaintiffs-Appellants respectfully request that the Court grant this motion and grant Plaintiffs-Appellants leave to file their Opening Brief out of time.

DATED: January 23, 2009

Respectfully submitted,

/s Nina Perales
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Certificate of Service

I hereby certify that on this 23rd day of January, 2009, I electronically filed the foregoing 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.

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