

**11-35125**  
**IN THE UNITED STATES COURT OF APPEAL**  
**FOR THE NINTH CIRCUIT**

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**WASHINGTON STATE REPUBLICAN )**  
**PARTY, *et al.*, )**  
**)**  
**Appellants, )**  
**)**  
**vs. )**  
**)**  
**WASHINGTON STATE GRANGE, *et al.*, )**  
**)**  
**Defendants & Appellees. )**  
**)**

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**DECLARATION OF ORRIN GROVER IN SUPPORT OF**  
**REQUEST FOR EXTENSION OF TIME**

I, the undersigned, declare as follows:

1. My name is Orrin Grover. I am the attorney for the Appellants, Libertarian Party of Washington, Ruth Bennett and John Stuart Mills.

2. **Background.** This case involves the appeal from the judgment of the United States District Court for the Western District of Washington in Case No. 2:05-cv-000927-JCC. There

are two parallel appeals under the same title, Case Nos. 11-35122 and 11-35123. The same judgment is under appeal in the parallel cases.

3. **Original Scheduled Date.** Under the original scheduling order of this Court, Appellant's Opening Brief was due May 23, 2011.

4. **Previous Extension.** There has been one previous extension for fourteen days pursuant to Circuit Rule 32-2-2[a] from May 23, 2011 to June 6, 2011.

5. **Due Date.** Presently, the Appellants Opening Brief in this appeal is due June 6, 2011.

6. **Reason for Request.** The additional extension is requested because of the following facts and circumstances:

a. After the Rule 32-2-2[a] extension was requested and granted, my mother-in-law, Anne Charapata, passed away suddenly and unexpectedly.

b. Mrs. Charapata's passing has placed a severe emotional strain on me and my wife, Angela. Angela and I have

been married for over thirty-three years. Since my mother-in-law passed away, I have been required to be away from the office to comfort and assist my wife and other family members for several of the intervening nine working days.

c. I am a sole practitioner. Presently, Mrs. Grover is my only assistant. The burden of this loss has also affected my work on this case because my wife has worked with me as a paralegal and assistant on this case throughout the past year. Her duties have included evidence review and preparation for trial of the thousands of pages of documents involved in this case. I have relied heavily on her for information regarding the details of the record of this case.

7. In the last two weeks alone, I have worked over twenty hours on the completion of the brief and related materials in the past two weeks but the brief is not yet complete for filing at this time.

8. **Opposing Counsel.** On June 6, 2011, I contacted opposing counsel, the attorneys for the Washington State Grange,

Thomas Ahearne, and the State of Washington, Allyson Zipp, Esq. and advised them that I was forced to request an extension. Mr. Ahearne was not in his office so I left a voicemail message explaining my request. Ms. Zipp advised me that that State of Washington did not oppose the request for extension. Ms. Zipp also advised me that the State of Washington reserved the right to request leave of the Court to file a joint Appellee's Brief based upon the request.

9. I also contacted Appellants' counsel, David MacDonald, Esq. & John White, Esq. in the parallel cases to advise them of my request.

10. **Circuit Rule 32-2-2[b]**. This request was not made seven days in advance of the due date of the brief because I believed and hoped that I would be able to file the brief within the time set by the Clerk. It was not until this weekend that I realized that I would be unable to deadline because of my duty to provide the continuing support needed by my wife.

11. The court reporter is not in default with respect to the preparation of any transcript.

12. Under all of the circumstances described in this motion, my office has exercised diligence in the preparation of the opening brief but has been unable to complete the brief within the time allowed. The undersigned represents that the brief will be filed within the extended time requested herein.

Under Rule 1E of the Oregon Rules Of Civil Procedure, I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and are subject to penalty for perjury.

Dated at Woodburn, Oregon, this 6<sup>th</sup> day of June, 2011.

ORRIN L. GROVER, P.C.  
/s/ Orrin L. Grover  
ORRIN L. GROVER, OSB NO. 78010  
Attorney for Appellants  
LIBERTARIAN LP OF  
WASHINGTON STATE, RUTH  
BENNETT, and J. S. MILLS  
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## CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2011, I caused to be electronically filed the foregoing Declaration of Orrin Grover with the Clerk of the Court using the CM/ECF system that will send notification of such filing to all counsel of record.

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