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IN THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

ANTHONY PISZEL,)
Plaintiff-Appellant,	{
V.	{
UNITED STATES,	2015-5100
Defendant-Appellee.	
	}
	}
)

PLAINTIFF-APPELLANT'S UNOPPOSED MOTION FOR AN EXTENSION OF TIME

Pursuant to Fed. R. App. P. 26(b), Plaintiff-Appellant Anthony Piszel respectfully requests a 16-day extension, through and including December 23, 2015, to file his reply in further support of his appeal. Mr. Piszel's reply is currently due December 7, 2015. This is Mr. Piszel's first request for additional time. The Government's counsel, David Harrington, has advised us that the Government does not oppose the extension.

Mr. Piszel's opening brief was served on August 8, 2015. The Government's response brief was due on October 1, 2015. The Court granted the Government's two motions for extensions to file its response brief, collectively

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extending the Government's time to file its brief by 50-days, that is, until November 20, 2015. As a result of the Government's extensions, Mr. Piszel's current 14-day deadline for his reply straddles the Thanksgiving holiday.

Mr. Piszel's undersigned counsel is currently involved in active discovery issues and disputes in two pending cases. *See FT Travel New York, LLC v. Your Travel Center, Inc.*, No. 2:15-cv-1065 (C.D. Cal.); *Neogenix Oncology, Inc. v. Gordon*, 2:14-cv-4427 (E.D.N.Y.). These cases will affect counsel's ability to dedicate time to this appeal. Moreover, counsel needs time to analyze and respond to arguments in the Government's response brief that were not addressed in Mr. Piszel's opening brief because they were not the basis of the lower court's decision. (*See, e.g.,* Dkt 33 at 28-32 (arguing that the Government's conduct merely frustrated Mr. Piszel's employment agreement)).

In short, Mr. Piszel respectfully requests the 16-day extension to allow counsel to respond to the Government's arguments that were not raised below, review relevant materials, and draft Mr. Piszel's reply brief, while complying with continuing responsibilities in other cases during a period that includes the Thanksgiving holiday. The requested extension is therefore reasonable under the circumstances.

Accordingly, Mr. Piszel requests that this unopposed motion for extension be granted, and that the Court permit Mr. Piszel to file his reply brief on

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or before December 23, 2015.

Dated: November 24, 2015 Respectfully Submitted,

MURPHY & McGonigle, P.C.

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By: /s/ Michael V. Rella

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Attorneys for Plaintiff-Appellant Anthony Piszel

4814-9215-8507

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on November 24, 2015, a copy of the foregoing Plaintiff-Appellant's Unopposed Motion For An Extension of Time, the Declaration of Michael V. Rella, and a Proposed Order was filed electronically.

The filing was served electronically to all parties by operation of the Court's electronic filing system.

By: /s/ Michael V. Rella

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IN THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

ANTHONY PISZEL,)
Plaintiff-Appellant,	{
V.	{
UNITED STATES,	{ 2015-5100
Defendant-Appellee.	{
	{
	{
	{
)

DECLARATION OF MICHAEL V. RELLA

In support of Plaintiff-Appellant's motion for an extension of time, I declare as follows pursuant to 28 U.S.C. § 1746:

- I am an attorney assigned to this action for Plaintiff-Appellant
 Anthony Piszel.
- 2. Pursuant to Federal Circuit Rule 26(b)(5), the circumstances that warrant this extension are as follows:
- 3. Mr. Piszel's opening brief was served on August 8, 2015. The Government's response brief was due on October 1, 2015. The Court granted the Government's two motions for extensions to file its response brief, collectively extending the Government's time to file its brief by 50-days, that is, until

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November 20, 2015. As a result of the Government's extensions, Mr. Piszel's current 14-day deadline for his reply straddles the Thanksgiving holiday.

- 4. Mr. Piszel's undersigned counsel is currently involved in active discovery issues and disputes in two pending cases. *See FT Travel New York, LLC v. Your Travel Center, Inc.*, No. 2:15-cv-1065 (C.D. Cal.); *Neogenix Oncology, Inc. v. Gordon*, 2:14-cv-4427 (E.D.N.Y.). These cases will affect counsel's ability to dedicate time to this appeal. Moreover, counsel needs time to analyze and respond to arguments in the Government's response brief that were not addressed in Mr. Piszel's opening brief because they were not the basis of the lower court's decision. (*See, e.g.,* Dkt 33 at 28-32 (arguing that the Government's conduct merely frustrated Mr. Piszel's employment agreement)).
- 5. The requested extension is sought to allow counsel to respond to the Government's arguments that were not raised below, review relevant materials, and draft Mr. Piszel's reply brief, while complying with continuing responsibilities in other cases during a period that includes the Thanksgiving holiday. The requested extension is therefore reasonable under the circumstances.

Executed: November 24, 2015

/s/ Michael V. Rella

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IN THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

ANTHONY PISZEL,)
Plaintiff-Appellant,	}
V.	}
UNITED STATES,	{ 2015-5100
Defendant-Appellee.	}
	{
	{
	{
	,
<u>OR</u>	<u>DER</u>
Upon reading and considering	ng PLAINTIFF-APPELLANT'S
UNOPPOSED MOTION FOR AN EXT	ENSION OF TIME and all other relevant
papers and proceedings, it is	
ORDERED that Plaintiff-Ap	ppellant's motion is granted, and his reply
brief is due to be filed on or before Dece	mber 23, 2015.
	FOR THE COURT
Date:, 2015	
	Washington, D.C.
Cc: William Donnelly, Esq. David Harrington, Esq.	

4831-8384-0299