

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

REPUBLIC OF THE MARSHALL ISLANDS, a
non-nuclear-weapon State party to the Treaty
on the Non Proliferation of Nuclear Weapons,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA; et al,

Defendants-Appellees.

No. 15-15636

**UNOPPOSED MOTION OF THE UNITED STATES FOR A SECOND
EXTENSION OF TIME OF THIRTY DAYS TO FILE RESPONSE BRIEF**

Pursuant to Federal Rules of Appellate Procedure 26 and 27, and
Ninth Circuit Rule 31-2.2(b), the United States hereby respectfully moves
for a second extension of time of 30 days, to and including October 28,
2015, within which to file the response brief of the federal defendants. In
support of this motion, counsel states as follows:

1. Pursuant to the briefing schedule issued on April 2, 2015, the
federal defendants' response brief was due on August 13, 2015. On July 30,

2015, this Court granted the United States' request for a 45-day extension of time within which to file its response brief, and directed that the response brief be filed on September 28, 2015.

2. Despite diligent effort, counsel for the United States will be unable to prepare the response brief by September 28, 2015 for the following reasons. Sushma Soni is the United States Department of Justice attorney who has primary responsibility for preparing the government's brief in this case, which will require extensive consultation with the affected agencies, the Department of Energy and the Department of Defense, and the National Nuclear Security Administration; as well as with the Department of State and with components within the Department of Justice. On August 1, 2015, Ms. Soni's minor daughter was hospitalized following a car accident, and was not discharged until August 9, 2015. Ms. Soni's daughter required extensive care, which prevented Ms. Soni from returning to her office on a full-time basis until September 1, 2015.

After returning to the office, Ms. Soni has been responsible for preparing a response brief for the government in *Equity Trust Co. v.*

McDonald, No. 15-60355 (5th Cir.) (due as extended September 18, 2015), and a brief of the United States on a certified question from the United States Court of Appeals for the Sixth Circuit in *Eiswert v. United States*, No. M2015-01474-SC-R23-CV (Tenn. S. Ct.) (now due as extended October 16, 2015).

3. Government counsel therefore respectfully request a second extension of 30 days, to and including October 28, 2015, to prepare the response brief. A further 30-day extension should not delay resolution of the case, and counsel will exercise diligence in preparing the brief in the time requested.

4. Counsel for the plaintiff, Laurie Ashton, stated that she does not object to this extension request.

CONCLUSION

For the foregoing reasons, we respectfully ask that the Court extend the filing date for the federal defendants' response brief by an additional 30 days, to and including October 28, 2015.

Respectfully submitted,

DOUGLAS N. LETTER
(202) 514-3602

/s/ Sushma Soni

SUSHMA SONI

(202) 514-4331

Attorneys, Appellate Staff

Civil Division

U.S. Department of Justice

950 Pennsylvania Ave., N.W.

Room 7218

Washington, D.C. 20530

SEPTEMBER 2015

CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2015, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system.

I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system

/s/ Sushma Soni
SUSHMA SONI