

No. 24-1757

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

NATIONAL VETERANS LEGAL SERVICES PROGRAM,
NATIONAL CONSUMER LAW CENTER, and ALLIANCE FOR JUSTICE,
for themselves and all others similarly situated,
Plaintiffs-Appellees,

v.

UNITED STATES OF AMERICA,
Defendant-Appellee,

v.

ERIC ALAN ISAACSON
Interested Party-Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
CASE NO. 1:16-745-PLF (THE HON. PAUL L. FRIEDMAN)

**AFFIDAVIT OF DEEPAK GUPTA IN SUPPORT OF APPELLEES’
MOTION FOR AN EXTENSION OF TIME**

I, Deepak Gupta, hereby declare:

1. I am a member in good standing of the bar of the District of Columbia and of this Court, an attorney at Gupta Wessler LLP, and counsel for the plaintiffs-appellees in this appeal.

2. There is good cause for appellees' request for a 30-day extension of time to file their response briefs for the following reasons.

3. First, counsel with primary responsibility for drafting the opening brief, myself and my colleague Jonathan E. Taylor, have several pressing obligations that have taken up and will continue to take up substantial time over the next month or so. Among other things, I am counsel of record in two U.S. Supreme Court cases, both of which were granted last month and have required (and will continue to require) a substantial amount of my time, while Mr. Taylor has primary responsibility for several other appellate briefs due in August. Our colleagues at Gupta Wessler have their own deadlines that will prevent them from helping with the preparation of the brief. These obligations will make it difficult to properly prepare the brief absent the requested extension by the deadline of August 12, 2024. Specifically, Mr. Taylor and I have the following upcoming deadlines over the next two months:

- A response and reply brief due in the Tenth Circuit in *Dunn v. Santa Fe Natural Tobacco Co.*, No. 23-2180/23-2181, on July 26, 2024;
- A reply to an answer to a petition due in the Washington Supreme Court in *Erickson v. Pharmacia, LLC.*, No. 83287-5/1031351, on July 31, 2024;

- A reply to a brief in opposition of certiorari in the U.S. Supreme Court in *McLaughlin Chiropractic Assocs., Inc. v. McKesson Corp.*, No. 23-1226, on August 19, 2024;
- A reply brief due in the Nevada Supreme Court in *Uber Sexual Assault Survivors for Legal Accountability v. Uber Tech., Inc.*, No. 24OC000561B, on August 21, 2024;
- A principal brief due in the Second Circuit in *Cantero v. Bank of America, N.A.*, No. 21-400, on August 26, 2024;
- A principal brief due in the Second Circuit in *Hymes v. Bank of America, N.A.*, No. 21-403, on August 26, 2024;
- A reply brief due in the Missouri Court of Appeals in *Ameer v. Lyft, Inc.*, No. ED12455, on August 27, 2024;
- An opening brief due in the First Circuit in *Conti v. Citizens Bank*, No. 22-1770, on August 29, 2024;
- A reply brief due in the Eighth Circuit in *Vogt v. Progressive Cas. Ins. Co.*, No. 24-1808, on September 4, 2024;
- A respondent's brief due in the Washington Court of Appeals, First Division, in *Clinger v. Pharmacia, LLC*, No. 86188-3, on September 5, 2024;
- An opening brief on the merits due in the U.S. Supreme Court in *Stanley v. City of Sanford*, No. 23-997, on September 9, 2024;

- An oral argument in the Missouri Court of Appeals in *Ameer v. Lyft, Inc.*, No. ED112455, on September 10, 2024;
- An amicus brief due in the Third Circuit in *Bristol Myers Squibb Co. v. Becerra*, No. 24-1820, on September 16, 2024;
- An amicus brief due in the Third Circuit in *Janssen Pharms., Inc. v. Becerra*, No. 24-1821, on September 16, 2024;
- An amicus brief due in the Third Circuit in *AstraZeneca Pharms. LP, v. Becerra*, No. 24-1819, on September 19, 2024;
- A response brief on the merits due in the U.S. Supreme Court in *NVIDIA Corp. v. E. Ohman For Fonder AB*, No. 23-970, on September 25, 2024;
- An oral argument in the Fourth Circuit in *Alig v. Rocket Mortgage LLC*, No. 22-2289, on September 26, 2024.

4. Second, Mr. Taylor tested positive for COVID-19 on July 17, 2024, and has continued to test positive and to experience symptoms since then, while he has also had to care for his two small children while they have been home sick with COVID-19, which has greatly limited his ability to work during that time.

5. The defendant-appellee, the United States, joins in this requested extension. The interested party-appellant, Mr. Isaacson, does not oppose this motion.

I declare under penalty of perjury under 28 U.S.C. §1746 that the above is true and accurate to the best of my knowledge.

Respectfully submitted,

/s/ Deepak Gupta
DEEPAK GUPTA
GUPTA WESSLER LLP
2001 K Street NW
Suite 850 North
Washington, DC 20006
(202) 888-1741
deepak@guptawessler.com

July 26, 2024

Counsel for Plaintiffs-Appellees

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2024, I electronically filed the foregoing affidavit with the Clerk of the Court for the U.S. Court of Appeals for the Federal Circuit by using the CM/ECF system. All participants are registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/ Deepak Gupta
Deepak Gupta