

03-13-00753-CV

No. ~~03-09-00753-CV~~

**In the Court of Appeals  
for the Third Judicial District  
Austin, Texas**

FILED IN  
3rd COURT OF APPEALS  
AUSTIN, TEXAS  
3/11/2014 3:36:04 PM  
JEFFREY D. KYLE  
Clerk

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SUSAN COMBS, IN HER OFFICIAL CAPACITY AS TEXAS COMPTROLLER, AND GREG  
ABBOTT, IN HIS OFFICIAL CAPACITY AS TEXAS ATTORNEY GENERAL

*Appellants,*

v.

TEXAS SMALL TOBACCO COALITION AND GLOBAL TOBACCO, INC.,

*Appellees.*

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On Appeal from the  
98th District Court, Travis County

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**APPELLANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO RESPOND TO APPELLEES' MOTION**

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TO THE HONORABLE THIRD COURT OF APPEALS:

Pursuant to Texas Rule of Appellate Procedure 10.5(b), Appellants respectfully submit this unopposed motion for a two-day extension of time to respond to Appellees' Motion for Review of Supersedeas Order.

**I.**

Appellees filed the motion on February 18, 2014. On March 4, the Court asked Appellants to file a response by March 11, 2014. Appellants seek a two-day extension, which would create a new due date of March 13, 2014. No prior extension has been

granted for this response, and Appellees do not oppose the two-day extension Appellants request.

## **II.**

The extension is necessary because undersigned counsel, who has been given primary responsibility for drafting the response, was not previously involved in this case (either in the trial court or on appeal) and needs additional time to review the record and ensure that the response is consistent with the manner in which the issues and arguments been framed by the parties. Trial counsel (Ms. Kane) is currently out of the country and is effectively unreachable. Likewise, appellate counsel (Mr. D'Andrea) was in New Orleans yesterday attending an oral argument and is out of the office today as well, with limited availability. This extension is not sought to cause delay, and it will prejudice no party. The extension is sought in the interest of justice and to ensure that counsel have adequate time to prepare a response that will appropriately aid the Court in its resolution of Appellees' motion.

## **III.**

For these reasons, Appellants respectfully request that the Court grant a two-day extension of time to file their response to Appellees' motion, creating a new due date of March 13, 2014.

Respectfully submitted,

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          /s/ Joseph D. Hughes            
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COUNSEL FOR APPELLANTS

### CERTIFICATE OF CONFERENCE

I certify that on March 11, 2014, I spoke by telephone with Shelby O'Brien, and she stated that Appellees do not oppose the two-day extension of time requested herein.

          /s/ Joseph D. Hughes            
Joseph D. Hughes

### CERTIFICATE OF SERVICE

I certify that on March 11, 2014, a copy of this motion was served upon counsel for Appellees shown below via File&ServeXpress:

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