

No. 03-13-00753-CV

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

FILED IN  
3rd COURT OF APPEALS  
AUSTIN, TEXAS  
4/11/2014 4:10:31 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  
345th District Court, Travis County, Texas

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**UNOPPOSED FIRST MOTION TO EXTEND TIME TO FILE  
APPELLANTS' REPLY BRIEF BY 20 DAYS,  
CREATING A NEW DEADLINE OF MAY 5, 2014**

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TO THE HONORABLE THIRD COURT OF APPEALS:

Pursuant to Texas Rules of Appellate Procedure 38.6(d) and 10.5(b), the state appellants move to extend the time to file their Appellants' Reply Brief.

**I.**

Appellants' Reply Brief is currently due on April 14, 2014. TEX. R. APP. P. 38.6(a); *see also* TEX. R. APP. P. 4.1(a). Appellants seek a 20-day extension, which

would create a new due date of May 5, 2014. No prior extension has been granted and the appellees do not oppose this motion.

## **II.**

The extension is necessary because of unforeseen conflicts in two other pending matters, *Veasey v. Perry*, 2:13-CV-193 (S.D. Tex.) and *Whole Woman's Health v. Lakey*, No. 1:14-cv-0284 (W.D. Tex.). 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 brief that fully and effectively addresses all issues and will appropriately aid the Court in its resolution of this appeal.

## **III.**

For these reasons, the appellants respectfully request that the Court grant a 20-day extension of time to file their appellants' reply brief, creating a new due date of May 5, 2014.

Respectfully submitted.

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COUNSEL FOR APPELLANTS

**CERTIFICATE OF CONFERENCE**

This is to certify that counsel for Appellees has been contacted and does not oppose this motion.

/s/ Arthur C. D'Andrea

Arthur C. D'Andrea

**CERTIFICATE OF SERVICE**

I certify that on April 11, 2014, a copy of this Motion to Extend Time to File Appellants' Reply Brief was served by File&ServeXpress on:

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