

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

---

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.*

---

On Appeal from the  
345th District Court, Travis County, Texas

---

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

---

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.

GREG ABBOTT  
Attorney General of Texas

DANIEL T. HODGE  
First Assistant Attorney General

JONATHAN F. MITCHELL  
Solicitor General

/s/ Arthur C. D'Andrea  
ARTHUR C. D'ANDREA  
Assistant Solicitor General  
State Bar No. 24050471

OFFICE OF THE ATTORNEY GENERAL  
P.O. Box 12548 (MC 059)  
Austin, Texas 78711-2548  
[Tel.] (512) 936-2868  
[Fax] (512) 474-2697  
*arthur.dandrea@texasattorneygeneral.gov*

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:

Craig T. Enoch  
Melissa A. Lorber  
Enoch Kever PLLC  
600 Congress, Suite 2800  
Austin, Texas 78701

*Counsel for Appellees*

/s/ Arthur C. D'Andrea  
Arthur C. D'Andrea