

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,)
Appellee)

v.)

JOHN BAPTIST KOTMAIR, JR.,)
and SAVE-A-PATRIOT FELLOWSHIP,)
Appellants)

Appellate No. **07-1156**

District No. **WMN-05-cv-1297**

Motion to Extend the Time to File Opening Brief

COMES NOW Defendant/Appellant Save-A-Patriot Fellowship (SAPF), by and through its attorney, George E. Harp, and hereby moves this Court to grant Mover an extension of the time for filing its opening brief from April 9, 2007, until April 30, 2007.

Mover is aware that such motions are granted only in extraordinary or exceptional cases, and submits that this case presents serious and substantial legal questions, which require considerable research and time to properly set forth.

In its order granting a stay pending appeal on February 22, 2007, the District Court noted “there are issues raised that are sufficiently ‘serious, substantial, difficult and doubtful, as to make them fair ground for litigation,’... ” Both the

First Amendment and the scope of Title 26 U.S.C. §§6700, 6701, 7408, and 7402(a) are at issue.

Counsel for the Appellant is sole practitioner and, unless the deadline is extended, the work load for this case will involve nearly all of his available time. This is particularly true since the period available for research and writing has been considerably shortened because the necessity of a obtaining a stay pending appeal required an early filing of the notice of appeal.

STATEMENT OF COUNSEL

Before filing this motion, I informed John B. Kotmair, Jr., of Save-A-Patriot Fellowship's intention. Appellant Kotmair consents to the granting of the motion.

On March 29, 2007, I consulted with counsel for the Appellee, Ms. Carol A. Barthell of the U.S. Department of Justice, who interposes no objection to the granting of this motion.

WHEREFORE, Appellant SAPF prays that this Court extend the time for filing its opening brief from April 9, 2007, until April 30, 2007.

Respectfully submitted this 26th day of March, 2007.


GEORGE E. HARP

610 Marshall St., Ste. 619
Shreveport, LA 71101
(318) 424-2003

Attorney for Save-A-Patriot Fellowship

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a printed copy of the Appellant Save-A-Patriot Fellowship's Motion to Extend Time to File Opening Brief was sent to counsel for the Appellee, Carol A. Barthell, Attorney, Appellate Section, U.S. Department of Justice, Post Office Box 502, Washington, DC, 20044; and Defendant/Appellant John B. Kotmair, Jr., Post Office Box 91, Westminster, MD 21158, by Express U.S. Mail with sufficient postage affixed this 29th day of March, 2007.



GEORGE E. HARP