

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,)
)
Plaintiff-Appellee)
)
v.)
)
JOHN B. KOTMAIR, JR.,)
dba Save-A-Patriot Fellowship) No. 07-1156
dba National Workers Rights Committee)
)
Defendant-Appellant)
)
SAVE-A-PATRIOT FELLOWSHIP,)
an unincorporated association)
)
Defendant-Appellant)

*APPELLEE'S UNOPPOSED MOTION FOR A 21-DAY
EXTENSION OF TIME TO FILE ITS ANSWERING BRIEF*

The United States of America, appellee herein, hereby requests a 21-day extension of time, until June 7, 2007, within which to file and serve its answering brief. In support of this motion, Carol Barthel, counsel for appellee, states as follows:

1. On February 28, 2007, this Court ordered the parties to proceed by informal briefs, with the brief of appellants John B. Kotmair, Jr. ("Kotmair") and Save-A-Patriot Fellowship ("SAPF") due

to be filed by March 26, 2007. SAPF moved for leave to file a separate, formal brief and to amend the briefing schedule. The Court granted the motion, ordering appellants to file their briefs by April 9, 2007, with the appellee's brief due 14 days after service. SAPF then moved to extend the time within which it might file its brief to April 30, 2007, which the Court granted. Kotmair's brief was filed and served on April 9, 2007. SAPF's brief was filed and served by mail on April 30, 2007, making the appellee's answering brief due to be filed on or before May 17, 2007. See Fed. R. App. P. 26(c) (three days added to time for reply after mail service).

2. Responsibility for handling this case on behalf of the appellee has been assigned to me, Carol Barthel. I did not represent the appellee in the court below. Accordingly, I need additional time to review the record and to prepare the appellee's answering brief in this case. Moreover, I must address the distinct arguments raised in the separate briefs of the two appellants. Thus, it will not be possible to meet the current May 17, 2007 deadline for filing and serving the

appellee's brief. Further, I will be out of the office May 25–29, 2007, attending my daughter's college graduation out of state.

3. I have exercised diligence in this matter and, barring unforeseen circumstances, will file the appellee's brief by June 7, 2007.

4. I have contacted George E. Harp, Esquire, counsel for appellant SAPF, who states that he does not oppose the requested extension. Mr. Harp has informed me that he has contacted *pro se* appellant John B. Kotmair, who states that he likewise does not oppose the requested extension.

WHEREFORE, it is respectfully requested that the Court enter an order extending the time for filing and serving appellee's answering brief up to and including June 7, 2007.

Respectfully submitted,



CAROL BARTHEL

Attorney

Tax Division

Department of Justice

Post Office Box 502

Washington, D.C. 20044

Attorney for Appellee

Dated: This 3rd day of May, 2007

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v.)

JOHN B. KOTMAIR, JR.,)

dba Save-A-Patriot Fellowship)

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Defendant-Appellant)

SAVE-A-PATRIOT FELLOWSHIP,)
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Defendant-Appellant)

No. 07-1156

Declaration

I, Carol Barthel, state as follows:

1. I am an attorney employed in the Appellate Section of the
Tax Division of the Department of Justice.

2. The facts as set forth in the accompanying motion are true
to the best of my knowledge and belief.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746,
that the foregoing is true and correct. Executed this 3rd day of May,
2007, at Washington, D.C.



CAROL BARTHEL

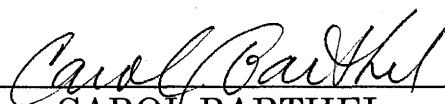
Attorney for Appellee

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing extension motion was sent to the Clerk on this 3rd day of May, 2007, by FedEx and that service of the extension motion has been made on appellant John B. Kotmair, Jr., appearing *pro se*, and on counsel for appellant Save-A-Patriot Fellowship on this 3rd day of May, 2007, by sending each of them a copy by FedEx properly addressed as follows:

Mr. John B. Kotmair, Jr.
12 Carroll Street
Westminster, MD 21158

George E. Harp, Esquire
Suite 619
610 Marshall Street
Shreveport, LA 71101


CAROL BARTHEL
Attorney for Appellees