

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

KEVIN O'ROURKE, et al.,)	
)	
Plaintiffs/Appellants,)	
)	
v.)	Case No. 21-1442
)	
DOMINION VOTING SYSTEMS, INC.,)	
FACEBOOK, INC., CENTER FOR)	
TECHNOLOGY AND CIVIC LIFE,)	
)	
Defendants/Appellees,)	

**AMENDED MOTION TO FILE APPELLANTS' OPENING BRIEF
ONE DAY OUT OF TIME**

COMES NOW the Plaintiffs, by and through counsel, Gary D. Fielder, Esq., and moves this Honorable Court for an order granting the filing of the Opening Brief one day out of time; and

AS GROUNDS THEREFOR, undersigned counsel states:

1. The Opening Brief in the above matter was due on Friday, April 1, 2022. Although the brief was completed, undersigned counsel underestimated the time necessary to complete the Appendix, which is voluminous.

2. Accordingly, it was impossible to cite the Appendix in the Opening Brief until its completion. Thus, completion of the Appendixes was necessary to complete the brief.

3. Counsel stayed up through the night to finish the necessary documents, including those attached to the Opening Brief. Unfortunately, as always seems to be the case, computer problems and formatting issues caused substantial delay, as well.

4. Appellants respectfully request that the court allow the brief to be filed one day out of time.

5. The Opening Brief and Appendixes were filed at approximately 10:00 a.m. on April 2, 2022, and the date on the pleadings and certificates were respectively changed to that date.

6. No prejudice should result to Appellees in any way. As sometimes is the case, additional modifications are required by the Clerk before acceptance. Nonetheless, Appellants file this motion to explain the late filing, and seek the Court's authority to file their Opening Brief out of time, up to and including April 2, 2022.

7. Undersigned counsel met and conferred with the counsel for CTCL, Meta Platforms Inc., Dominion Voting Systems Inc., Michigan and Pennsylvania on Monday the 4th of April, 2022, as to whether they would object to this motion

to file on day out of time. While CTCL objects to the motion, Meta Platforms Inc., Dominion Voting Systems Inc., and Pennsylvania take no position on the motion and Michigan did not respond by the morning of April 6th, 2022 at the time this motion was prepared.

WHEREFOR, Appellants, by and through undersigned counsel, respectfully request the Court issue an order allowing the filing of the Opening Brief one day out of time.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 7, 2022, a copy of the foregoing **AMENDED MOTION TO FILE APPELLANTS' OPENING BRIEF ONE DAY OUT OF TIME** was electronically filed with the Clerk via the Court's Electronic Case Filing System (ECF), and emailed to the following counsel of record for the defendants:

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