

No. 12-23-00282-CV

**In the Twelfth Court of Appeals
Tyler, Texas**

Udo Birnbaum,
Appellant,
v.
CSD Van Zandt, LLC,
Appellee.

Motion to Extend Briefing Deadline

CSD Van Zandt, LLC requests a twenty-nine day extension of the deadline for filing its appellee's brief, to Friday, April 19, 2024.

**1.
Information Required by
Rule 10.5, TEX. R. APP. P.**

The following information supports this request:

- (i) Appellant filed his brief on February 20, 2024.
- (ii) Appellee's brief is due Thursday, March 21, 2024.
- (iii) Appellee seeks a twenty-nine day extension of the deadline for its brief, to and including Friday, April 19, 2024.
- (iv) This is the first request to extend this deadline.

2.
**Facts Explaining the
Need of an Extension**

Counsel will be unable to complete a workmanlike brief and secure the necessary client input and approval by the current deadline. Besides work on the brief, counsel has been required to devote his available time to other work matters, including:

- (i) No. 10-23-00081-CV, *Traxcell Technologies, LLC v. Verizon Wireless Personal Communications LP*, in the Tenth Court of Appeals (appellee's brief and response to motion to modify supersedeas bond);
- (ii) No. 10-24-00074-CV, *In re Verizon Wireless Personal Communications, LP*, in the Tenth Court of Appeals (petition for writ of injunction and application for temporary relief);
- (iii) No. 04-24-00121-CV, *In re Key Energy Services, LLC, et al.*, in the Fourth Court of Appeals (mandamus response);
- (iv) No. 03-23-00791-CV, *Cargill v. Wilton Re Assignment Illinois, Inc., et al.*, in the Third Court of Appeals (appellant's brief); and
- (v) No. 21-1554-B, *Renal Care Group Texas, Inc. and RCG East Texas LLP v. Healthfirst TPA, Inc., et al.*, in the 114th District Court, Smith County (Opposition to motions for permissive appeal).

3.

This motion is not filed solely for delay, but in the interest of justice and to ensure that the brief sufficiently aids the Court's decisional process.

**4.
Conference**

I have attempted to confer with Mr. Birnbaum, who is appearing pro se, via emails sent on March 19 and 20 to the email address listed in the signature block of Mr. Birnbaum's brief: BRNBM@AOL.com. As of this time, I have not received any response. It is, therefore, unknown whether Mr. Birnbaum does or does not oppose this motion.

Conclusion and Prayer

For the reasons stated, Appellee, CSD Van Zandt, LLC, prays that the Court would extend the time for filing its appellee's brief by twenty-nine days, to Friday, April 19, 2024.

Respectfully submitted,

/s/ Gregory D. Smith

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ATTORNEYS FOR APPELLEE

CERTIFICATE OF SERVICE

This motion has this 20th day of March, 2024, been served electronically, via the electronic filing manager, on the pro se appellant:

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/s/ Gregory D. Smith

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