

KINNARD MEDIATION CENTER
UNITED STATES COURT OF APPEALS
ELEVENTH JUDICIAL CIRCUIT

EXTENSIONS OF TIME TO FILE BRIEFS

The filing of a Civil Appeal Statement or the scheduling or rescheduling of a mediation conference does not stay appellate proceedings. Upon request, however, the Kinnard Mediation Center (KMC) may grant an extension of the briefing due date when there is substantial probability the appeal can settle via mediation, and the extension will prevent the unnecessary expenditure of time and resources by counsel, the parties, and the court. Counsel may also request an extension for drafting of settlements and releases after mediation.

1. Length of KMC Extensions.

- (a) **Before a Scheduled Mediation or During Ongoing Discussions:** The KMC may grant extensions of time to file an appellant's or appellee's brief for not more than 30 days from the date of a scheduled initial mediation to facilitate the prospects of settlement, and for additional periods of not more than 30 days while discussions continue. Also, if warranted, the KMC may grant extensions of time to file a reply brief for up to seven days.
- (b) **After Impasse:** After the mediator has declared an impasse of mediation negotiations, the KMC may grant one extension of time, of not more than 21 days past the impasse date, to file a brief that is due within 14 days of the impasse date so that counsel will have as much as three weeks to prepare the brief after participating in the mediation. Consent of opposing counsel is not necessary in this event. This request must be made at the declaration of impasse and then immediately followed with an email as referenced below.

2. Requirements. **Counsel of record** may request a KMC brief extension if the following requirements are met:

- (a) All parties agree to extend the due date (not necessary in event of impasse).
- (b) The extension will (1) facilitate a productive mediation or (2) facilitate prospects of settlement or (3) allow counsel up to three weeks to prepare the brief after having participated in an unsuccessful mediation.
- (c) The deadline for submitting the brief has not passed.
- (d) Counsel has not previously had a motion for an extension of time set by a judge. Briefing deadlines set by the clerk may be extended by KMC.
- (e) The briefing schedule has not been established by court order.
- (f) Appellees may not request an extension until receipt of the appellant's brief is entered on the clerk's docket.

Request received after 3 p.m. Eastern Time will be processed the next business day.
Due dates that are a Saturday, Sunday, or legal holiday will be set for the next business day.

3. Instructions. To make a request, **counsel of record** should email the KMC's brief extension coordinator at [KMC Brief Extensions@ca11.uscourts.gov](mailto:KMC_Brief_Extensions@ca11.uscourts.gov), copying the circuit mediator and counsel for each party separately represented.

The email should follow the format below, with the suggested text in the body of the message. KMC does not accept requests submitted as a PDF or attachment.

[Email]

To: KMC_Brief_Extensions@ca11.uscourts.gov
From: [counsel of record]
Cc: [circuit mediator and counsel for each party separately represented]
Subject: Brief Extension Requested: [appeal number(s) and short caption]

[Text]

Circuit Mediator: [name]
Mediation date: [date]
Brief of [Appellant(s) or Appellee(s)]: [name of party or parties]
Current due date: [date]
New due date requested: [date]

I have contacted opposing counsel and represent that all parties agree to this extension. I meet the requirements necessary to obtain a KMC Brief Extension and request the above extension of time. I understand that if the KMC grants the extension it will reply with a confirmation email, copying the circuit mediator and counsel for each party separately represented (as copied with email request).*

*Omit the first sentence if brief extension is requested at impasse of mediation.

4. Assessment Conference. The KMC does not have authority to grant any extension when an assessment conference is scheduled or if an initial mediation is changed to an assessment conference. If during the assessment conference an initial mediation is scheduled, then going forward the KMC may grant extensions.
5. Other Requests for Extensions. If counsel does not meet the requirements for a KMC extension, a first request may be made to the clerk (11th Cir. R. 31-2(a)). A first request for an extension of 30 days or less may be made by telephone or in writing to the clerk. A first request for an extension of more than 30 days must be made by written motion to the court. Counsel's motion must not contain any reference to the KMC, as required by the confidentiality rules governing the program (11th Cir. R. 33-1(c)). Neither KMC nor the clerk may grant an extension once one has been granted by the court.