

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. The due-date for filing briefs, however, may be extended by the KMC if the conditions described below exist, 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.

1. Length of KMC Extensions. 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, and for additional periods of not more than 30 days, to facilitate the prospects of settlement. Also, if warranted, the KMC may grant extensions of time to file a reply brief for up to seven days.
2. Impasse. If after mediation negotiations through the KMC are declared an impasse by the circuit mediator, the KMC may grant one extension of time to file a brief that is due within 14 days of the impasse date for up to 21 days past 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 verbally at the declaration of impasse and then immediately followed with an email as below.
3. Assessment Conference. The KMC is without authority to grant any extension 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.
4. 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 not more than 21 days 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 filed a motion for an extension of time.
 - (e) The briefing schedule has not been established by court order.

Appellees may not request an extension until receipt of the appellant's brief is entered on the clerk's docket. Requests 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.

5. Instructions. To make a request, **counsel of record** should email the KMC's brief extension coordinator at **KMC_Brief_Extensions@ca11.uscourts.gov**, copying the circuit mediator and counsel for each party separately represented, using the format below.

[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]
Initial 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 forward this email to the clerk, copying the circuit mediator and counsel for each party separately represented (as copied with email request).*

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

6. Other Requests for Extensions. If counsel does not meet the requirements for a KMC extension, a first request for an extension of fourteen calendar days or less can be made by telephone or in writing to the clerk. A first request for an extension of more than fourteen calendar days must be made by written motion to the court (11th Cir. R. 31-2(a)). 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)).