

There is good cause for the extension. Defendant counsel has conflicting personal and professional obligations that give rise to this request. Undersigned counsel is scheduled to provide oral argument before the United States Court of Appeals for the District of Columbia Circuit on Friday, September 13, 2024 in *Cigar Association of America v. FDA* (23-5220), the same day Defendant's response is currently docketed to be due. Also on Friday, September 13, undersigned counsel will be flying to Chicago, Illinois (immediately following presentation of oral argument before the D.C. Circuit) to attend the funeral of his close friend and former colleague, Steptoe partner John Byron, who tragically and suddenly passed away on September 2, 2024 at the age of 41.¹

On September 10, 2024, the Receiver confirmed to Defendant counsel that he does not oppose the requested extension.

Based on the foregoing, Defendant Barton respectfully requests that his unopposed motion for extension of time for two business days be granted.

Dated: September 13, 2024

Respectfully submitted,

By: /s/ Michael J. Edney

Michael J. Edney

Virginia Bar No. 48253

DC Bar No. 492024 (*admitted to N.D. Tex.*)

medney@huntonak.com

HUNTON ANDREWS KURTH LLP

2200 Pennsylvania Avenue NW

Washington, DC 20037

Phone: (202) 955-1500

Facsimile: (202) 778-2201

COUNSEL FOR TIMOTHY LYNCH BARTON

¹ Steptoe, *In memoriam of John J. Byron*, available at: <https://www.steptoe.com/en/lawyers/john-byron.html>.

CERTIFICATE OF CONFERENCE

I hereby certify that on September 13, 2024, Defendant counsel, Kyle Coker, consulted with the Receiver, Cort Thomas, who represented that the Plaintiff does not oppose the relief sought herein.

/s/ Michael J. Edney

CERTIFICATE OF SERVICE

On September 13, 2024 I filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas. I hereby certify that I have served the document on all counsel and/or pro se parties of record by a manner authorized by Federal Rules of Civil Procedure 5(b)(2).

/s/ Michael J. Edney