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IN THE UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

AMERICAN ATHEISTS, INC., a Texas
non-profit corporation, R. ANDREWS, S.
CLARK and M. RIVERS,

Plaintiffs-Appellants,

vs.

COLONEL LANCE DAVENPORT,
Superintendent, Utah Highway Patrol;
JOHN NJORD, Executive Director, Utah
Department of Transportation; and, F.
KEITH STEPAN, Director Division of
Facilities Construction and Management
Department of Administrative Services,

Defendants-Appellees,

UTAH HIGHWAY PATROL
ASSOCIATION,

Intervenor-Defendant-Appellee.

**MOTION TO EXTEND TIME WITHIN
WHICH TO FILE A PETITION FOR
PANEL REHEARING AND
REHEARING EN BANC**

Appeal No. 08-4061

Defendants-Appellees Lance Davenport, John Njord, and F. Keith Stepan (State Defendants), through their attorney of record, Thom D. Roberts, Assistant Utah Attorney General, hereby move the Court for an order extending the time within which to file a Petition for Panel Rehearing pursuant to Rule 40, Fed. R. of App. P., and Rehearing En Banc, pursuant to Rule 35, Fed. R. of App. P., upon the grounds and for the reasons that the Utah Solicitor General (who is involved in all state appeals) began a one week vacation the day the decision in this case was handed down, that the State Defendants wish to be able to consult with the Intervenor-Defendant-Appellee on the issues to be raised, that counsel for the State Defendants is involved in and is required to file replies and responses in two separate cases challenging Utah's election laws, one in Federal Court and one in State Court, and that the additional time is thus necessary in order for State Defendants to fully and properly prepare their Petition.

Counsel for State Defendants has spoken with counsel for the Plaintiff-Appellants and counsel for the Intervenor-Defendant-Appellee, and both have agreed to the allowance of such additional time.

Pursuant to the provisions of Tenth Circuit Rule 27.3(10), State Defendants are seeking an extension of 15 days, extending the September 1st due date to September 16, 2010.

DATED this 24th day of August, 2010.

MARK L. SHURTLEFF
Attorney General



THOM D. ROBERTS
Assistant Attorney General

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

I hereby certify that on this 24th day of August, 2010, the foregoing **MOTION TO EXTEND TIME WITHIN WHICH TO FILE A PETITION FOR PANEL REHEARING AND REHEARING EN BANC** was electronically filed with the Clerk of the Court, and the following were served electronically via the Court's CM/ECF system:


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CERTIFICATE OF DIGITAL SUBMISSION

THIS IS TO CERTIFY THAT:

- (1) All required privacy redactions have been made, and with the exception of those redactions, every document submitted in digital form or scanned PDF format, and
- (2) The digital submissions have been scanned for viruses with the most recent version of a commercial virus scanning program (McAfee VirusScan Enterprise Version 8.5.0i with virus definitions updated daily) and, according to the program, are free of viruses.

