

**THE UNITED STATES COURT OF APPEALS FOR THE
FEDERAL CIRCUIT**

DIRECTOR OF THE OFFICE OF)
PERSONNEL MANAGEMENT,)

Petitioner,)

v.)

No. 2024-1774

RONALD L. MOULTON,)

and)

MERIT SYSTEMS PROTECTION)
BOARD)

Respondents.)

**PETITIONER’S UNOPPOSED MOTION
FOR AN EXTENSION OF TIME TO FILE OPENING BRIEF**

Pursuant to Rule 26(b) of the Rules of this Court, petitioner, the Director of the Office of Personnel Management (OPM), respectfully requests a 52-day enlargement of time, to and including August 23, 2024, within which to file an opening brief. Our brief is currently due on July 2, 2024. We have not previously requested an extension of time for this purpose. On June 6, 2024, respondent, Mr. Ronald Moulton, indicated through his attorney that he does not oppose this motion. On June 6, 2024, respondent, the Merit Systems Protection Board, indicated through its attorney that it does not oppose this motion.

Good cause exists to grant the requested extension. Counsel of record is currently on parental leave following the birth of his child. Because he is on parental leave, he has not been able to devote the necessary time to our opening brief and will require the 52-day extension requested above. Counsel was on parental leave when the Court granted OPM's petition for review on May 3, 2024. Counsel will remain on parental leave until June 24, 2024. Once he returns from parental leave, counsel will require time to prepare our opening brief and receive the necessary agency and supervisory review.

The extension of time requested will enable us to better assist the Court in resolving the appeal by providing a thorough and thoughtful brief addressing the issues the Court will need to decide in this case. Accordingly, we respectfully request that the Court grant this unopposed motion for an extension of time of 52 days, to and including August 23, 2024, for us to file our opening brief in this matter.

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

PATRICIA M. McCARTHY
Director

/s/ Elizabeth M. Hosford
ELIZABETH M. HOSFORD
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/s/ Kyle S. Beckrich
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June 7, 2024

Attorneys for Defendant

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DECLARATION OF KYLE S. BECKRICH

I, Kyle S. Beckrich, state the following:

1. I am an attorney with the Department of Justice, Civil Division, Commercial Litigation Branch. In that capacity, I am counsel of record for the respondent in *OPM v. Moulton*, Fed. Cir. No. 2024-1774.

2. Good cause exists to grant the extension of time requested by the petitioner. I am currently on parental leave following the birth of my child. Because I am on parental leave, I have not been able to devote the necessary time to our opening brief and will require additional time.

3. Specifically, I was on parental leave when the Court granted OPM's petition for review on May 3, 2024. I will remain on parental leave until June 24, 2024.

4. The extension of time requested is also needed for adequate preparation and supervisory review of the petitioner's opening brief.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

June 7, 2024

/s/ Kyle S. Beckrich
KYLE S. BECKRICH

CERTIFICATE OF COMPLIANCE

I certify that, pursuant to Fed. R. App. Procedure 32(g), this motion complies with the type-volume limitation. This motion was prepared using Microsoft Word, Times New Roman, 14-point font. In making this certification, I have relied upon the word count function of the Microsoft Word software application used to prepare this motion. According to the word count, this motion contains 272 words.

/s/ Kyle S. Beckrich
KYLE S. BECKRICH
Trial Attorney
June 7, 2024