

DECLARATION OF COUNSEL

I, Paul V. Carelli, IV, declare:

1. I am an attorney at law duly admitted to practice before this Court, and am a member of the firm of Stutz Artiano Shinoff & Holtz, APC. I am a Certified Appellate Specialist (State Bar Board of Legal Specialization), and am responsible for the handling of the appellate briefing for our firm, which is proceeding as its own counsel in this litigation.

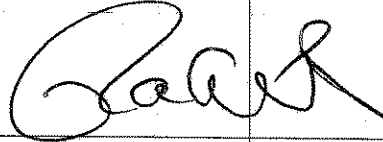
2. *Current Due Date and Prior Extension:* This is a non-priority civil appeal, in which the Respondent's brief is currently scheduled to be filed with this Court on April 22, 2013. The District has previously obtained one 45-day extension by way of application for extension. No further extensions are anticipated at this time.

3. *Diligence and Good Cause:* The primary need for this additional extension request is that, although I am working to complete the Respondent's Brief, I will need additional time to present the arguments and complete final record citations into the current draft of the Brief, and then to file the Brief with the Court. I have also been obligated to attend to other matters, including preparing for a two-week trial in the case of *Chambers v. Currigan*, Superior Court case number 37-2011-00096375-CU-PO-NC (an alleged assault and battery case scheduled to begin on April 26, 2013).

4. *Good Faith and Lack of Prejudice:* This Application is made in good faith for the reasons stated here and not for any other purpose. Furthermore, I know of no prejudice that will result to any party from a grant of the requested extension of time. However, significant prejudice may result to the Stutz firm if this Application is denied because we will not have sufficient time to responsibly complete an accurately referenced, concise

Respondent's Brief, which not only advances our firm's interests, but also assists this Court in deciding this appeal.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 17, 2013 in San Diego, California.

A handwritten signature in black ink, appearing to read "Paul V. Carelli, IV", written over a horizontal line.

Paul V. Carelli, IV