

IN THE SUPREME COURT OF IOWA

LS POWER MIDCONTINENT,  
LLC and SOUTHWEST  
TRANSMISSION, LLC,

Appellants,

v.

STATE OF IOWA; IOWA  
UTILITIES BOARD; GERI D.  
HUSER; GLEN DICKINSON;  
and LESLIE HICKEY,

Appellees,

MIDAMERICAN ENERGY  
COMPANY and ITC MIDWEST,  
LLC,

Intervenors–Appellees.

Case No. 21–0696

**JOINT APPLICATION FOR  
EXTENSION TO FILE  
PROOF BRIEF AND  
DESIGNATION OF  
APPENDIX – UNRESISTED**

Appellees State of Iowa, Iowa Utilities Board, Geri D. Huser, Glen Dickinson, and Leslie Hickey (collectively the State Appellees), move jointly with Intervenors–Appellees MidAmerican Energy Company and ITC Midwest, LLC for an extension of time in which to file proof briefs and designations of appendices, pursuant to Iowa Rule of Appellate Procedure 6.1003(2). The State Appellees and Intervenor–Appellees plead as follows:

1. Appellee-side proof briefs and designations of appendices are currently due on October 25, 2021.

2. This is the first motion to enlarge time submitted in this case.

3. Undersigned counsel for the State Appellees are responsible for representing and advising multiple state agencies in addition to the named defendants in this case, including the Iowa Board of Nursing, the Iowa Lottery Authority, the Iowa Racing & Gaming Commission, the Iowa Plumbing & Mechanical Systems Board, the State Public Defender, the Iowa Division of Banking, and the Iowa Department of Homeland Security and Emergency Management.

4. In addition to attending regular commission and board meetings and providing advice on contracts, procurement, personnel matters, rulemaking, open meetings, and open records, undersigned counsel for the State Appellees prosecute licensee disciplinary cases before the agencies with licensees. Dockets for the past year average dozens of investigations, hearings, or both, each month.

5. Further, undersigned counsel for the State Appellees are representing the State or State agencies in both state and federal court, both at the trial level and on appeal, in more than a dozen other judicial

review, civil rights, or other litigated matters. Representation in recent weeks, during the briefing period for this case, has included responses and briefing on an emergency basis in two district court matters: *Parr v. Iowa Department of Education*, Polk County No. EQCE086981, and *Marciniak v. Reynolds*, Polk County No. CVCV062381.

6. In addition, counsel was unavailable for several days during the briefing period due to substantial and important personal commitments; and will be out of the office on prepaid out-of-state travel for several more days before the current deadline of October 25.

7. Further, the added participation of two amici on appeal necessitates additional time for research, briefing, and response.

8. The State Appellees request 14 additional days in which to file a proof brief and designation of appendix.

9. To avoid uncertainty of further deadlines, Intervenor-Appellees join in the request for a fourteen-day extension, making all Appellee-side proof briefs and designations due on November 8, 2021.

10. As counsel for Intervenor-Appellees have had numerous competing deadlines and out-of-town work commitments, as well as a family health matter to attend to, the brief extension and coordinated

schedule with the State Appellees will allow for a brief that is better able to assist the Court and can eliminate some overlap and repetition with the State Appellees.

11. The State Appellees have conferred with counsel for Appellants. Counsel does not object to the proposed extension provided that the deadline for Appellants' reply brief and appendix is also extended in accordance with Iowa Rules of Appellate Procedure 6.901(1)(c) (reply brief) and 6.905(11) (appendix).

WHEREFORE, the State Appellees respectfully request until and including November 8, 2021, for the State Appellees and each Intervenor-Appellee to file a proof brief and designation of appendix.

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All parties served electronically via EDMS  
on October 20, 2021.