

---

**Nos. 20-1473 (L), 20-1534**

---

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

---

WHEELABRATOR BALTIMORE, L.P.; CURTIS BAY ENERGY, L.P.;  
ENERGY RECOVERY COUNCIL, NATIONAL WASTE & RECYCLING  
ASSOCIATION,

*Plaintiffs-Appellees,*

v.

MAYOR AND CITY COUNCIL OF BALTIMORE,

*Defendant-Appellant.*

---

**On Appeal from the United States District Court  
For the District of Maryland at Baltimore**

---

**PLAINTIFFS-APPELLEES' UNOPPOSED  
MOTION TO EXTEND BRIEFING DEADLINES**

---

Plaintiffs-Appellees Wheelabrator Baltimore, L.P., Curtis Bay  
Energy, L.P., Energy Recovery Council, and National Waste & Recycling  
Association respectfully request, pursuant to Federal Rule of Appellate  
Procedure 26(b), that this Court extend the briefing deadlines in this matter

an additional sixty (60) days. In support of their request, Plaintiffs-Appellees state the following:

1. Under the Court's July 15, 2020 Briefing Order, the opening brief and joint appendix are currently due October 9, 2020 with responsive briefing following a month later. *See* ECF No. 27.
2. The parties previously sought an extension to the briefing schedule to allow time for the parties to conduct settlement negotiations and to account for complications created by the COVID-19 pandemic. Because the parties' settlement discussions are ongoing, Plaintiffs-Appellees request a further extension of the briefing schedule.
3. Extending the briefing deadlines will allow the parties to focus on their negotiations and avoid wasting the parties' and the Court's time and resources.
4. Defendant-Appellant Mayor and City Council of Baltimore has been informed of Plaintiffs'-Appellees' intent to file this motion and does not oppose the motion.

Therefore, the Plaintiffs-Appellees respectfully request that the Court extend the briefing deadlines by sixty (60) days for the opening brief and joint appendix to December 8, 2020 and modify the responsive briefing deadlines accordingly.

Respectfully submitted,

/s/ Roy D. Prather III

James B. Slaughter  
David Friedland  
Joshua H. Van Eaton  
BEVERIDGE & DIAMOND, P.C.  
1350 I Street, N.W., Suite 700  
Washington, DC 20005  
(202) 789-6000 (Phone)  
jslaughter@bdlaw.com  
dfriedland@bdlaw.com  
jvaneaton@bdlaw.com

Roy D. Prather, III  
BEVERIDGE & DIAMOND, P.C.  
201 North Charles Street, Suite 2210  
Baltimore, MD 21201  
(410) 230-1300 (Phone)  
rprather@bdlaw.com

*Counsel for Plaintiffs-Appellees  
Wheelabrator Baltimore, L.P.;  
Energy Recovery Council; National  
Waste & Recycling Association;  
TMS Hauling, LLC*

/s/ M. Trent Zivkovich

M. Trent Zivkovich  
Stephen E. Luttrell  
WHITEFORD, TAYLOR &  
PRESTON L.L.P.  
7 Saint Paul Street, Suite 1500  
Baltimore, MD 21202  
(410) 347-8700 (Phone)  
tzivkovich@wtplaw.com  
sluttrell@wtplaw.com

/s/ George F. Ritchie

George F. Ritchie  
GORDON FEINBLATT LLC  
233 East Redwood St.  
Baltimore, MD 21202  
410-576-4000 (Phone)  
gritchie@gfrlaw.com

*Counsel for Plaintiff-Appellee  
Curtis Bay Energy, L.P.*

Font: Times New Roman 14