

**APPELLATE COURT
STATE OF CONNECTICUT**

A.C. 42899

NORTHWEST HILLS CHRYSLER	:	FROM THE SUPERIOR COURT
JEEP, LLC, <i>et al.</i> ,	:	J.D. OF NEW BRITAIN
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
CONNECTICUT DEPARTMENT OF	:	
MOTOR VEHICLES, <i>et al.</i> ,	:	
	:	
Defendants.	:	NOVEMBER 18, 2019

CONSENT MOTION FOR EXTENSION OF TIME

Plaintiffs respectfully move for an extension of seven (7) days in which to file their joint appellants’ brief. The brief currently is due on November 25, 2019. The filing deadline sought by this motion is December 2, 2019. This is the first extension directed to this briefing deadline, and the plaintiffs do not intend to seek any further extension beyond that requested herein. The grounds for this motion are set forth in the “Specific Facts Relied On” in Part II below. Counsel for the defendants – Assistant Attorney General Eileen Meskill for DMV, and Attorney Mykulak for FCA – consent to this request.

I. BRIEF HISTORY OF THE CASE

This administrative appeal arises out of a proceeding before the DMV under Connecticut General Statutes § 42-133dd, which provides existing new car dealers with a right to protest the proposed establishment of an additional dealer within their relevant market area. The plaintiffs in the above-referenced action presented timely protests, which proceeded to a hearing before the DMV during May 2017. Following post-hearing briefing, the Hearing Officer issued his decision on January 19, 2018, which allowed the new dealership. The plaintiffs timely appealed to the Superior Court. Following briefing and a hearing on the merits,

the Superior Court (Huddleston, J.) affirmed the decision of the DMV on April 15, 2019. This appeal followed.

II. SPECIFIC FACTS RELIED ON

The plaintiffs' briefing is well underway. The briefing is being drafted principally by the plaintiffs' primary counsel, Bass Sox Mercer in Florida, and will be completed in the near future. The purpose of this extension is to allow an additional week for undersigned counsel to assist in finalizing the brief in accordance with the Connecticut Rules of Appellate Procedure, and to enable the parties to provide the finalized briefing materials to the printer for printing and filing.

This short, one-week extension has also been necessitated by undersigned counsel's recent schedule. Undersigned counsel was required to devote substantial efforts to a recent election dispute, which culminated in expedited briefing and oral argument before the Supreme Court on November 4 (*Lazar v. Ganim*, SC 20381). Thereafter, undersigned counsel had to prepare for another argument before this Court on November 12 (*State Marshal Association of Connecticut, Inc. v. Erin Johnson*, AC 42131). Along with completing the briefing in this appeal, undersigned counsel will also be expending significant efforts in connection with substantive motions to dismiss to be filed in a multi-party civil RICO action that is currently pending in the U.S. District Court for the District of Connecticut (*Berman v. LaBonte, et al.*, 3:19-cv-01533-VLB), which are also due on December 2. These obligations, along with the usual press of business and the logistical considerations noted above, have necessitated the request for one additional week to complete the briefing in this matter.

III. LEGAL GROUNDS RELIED ON

This motion is filed pursuant to § 66-1 of the Practice Book.

IV. STATUS OF BRIEF

The plaintiffs' brief is in progress, and will be ready for filing in the near future. This extension will allow undersigned counsel to ensure that the brief and appendices and related filings are completed pursuant to the Connecticut Rules of Appellate Procedure, and also accommodate the logistics of providing the materials to the printer in a timely fashion given the upcoming holiday. The expected date of completion for the plaintiff's brief is December 2, 2019. Undersigned counsel does not anticipate requiring any further extension of this deadline beyond what is being sought in this motion.

V. POSITION OF OPPOSING COUNSEL

Undersigned counsel has contacted counsel for the defendants, Assistant Attorney General Eileen Meskill for DMV, and Attorney Mykulak for FCA. Counsel has indicated that they consent to this requested extension.

Respectfully submitted,

PLAINTIFFS NORTHWEST HILLS
CHRYSLER JEEP LLC; GENGRAS
CHRYSLER DODGE JEEP, LLC,
CROWLEY JEEP DODGE INC.; PAPA'S
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– Their Attorneys –

CERTIFICATION

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on November 18, 2019, to all attorneys and self-represented parties of record and to all parties who have not appeared in this matter and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic discovery:

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