

*In the*  
**United States Court of Appeals**  
*for the*  
**Eighth Circuit**

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R. J. ZAYED,  
in His Capacity as Court-Appointed Receiver for The Oxford Global Partners, LLC,  
Universal Brokerage FX, and Other Receiver Entities,  
*Plaintiff-Appellant,*

v.

ASSOCIATED BANK, N.A.,  
*Defendant-Appellee.*

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*Appeal from a Decision of the United States District Court for the District of Minnesota (Minneapolis),  
No. 13-cv-00232-DSD · Honorable David S. Doty*

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**PARTIALLY ASSENTED MOTION FOR  
ENLARGEMENT OF TIME WITHIN WHICH TO FILE REPLY BRIEF**

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**PARTIALLY ASSENTED MOTION FOR ENLARGEMENT OF TIME  
WITHIN WHICH TO FILE REPLY BRIEF**

Appellant hereby moves for enlargement of time within which to file its Reply brief. The present deadline is February 26, 2014. Appellant requests that the deadline be extended to either 28 days to March 26, 2014, or 14 days after ruling on its concurrently filed motion, namely Motion To Determine Whether Issues Raised By Appellee Without Having Filed A Cross Appeal Are Within The Scope Of This Appeal, whichever is later.

The co-pending motion seeks clarification of what appeal issues require briefing. Fed. R. App. P. 27(a)(3)(A) requires a party to file a response to a motion within 10 days after service of the motion unless the court shortens or extends the time. Fed. R. App. P. 27(a)(4) requires any reply to such a response to be filed within 7 days after service of the response. Thus, the co-pending motion seeking guidance on the scope of the Reply will not be fully briefed until after the current deadline for filing that very same Reply. This request for an enlargement of time eliminates the unfairness of that situation, without prejudicing Appellee.

This request for an enlargement of time is reasonable given the lack of clarity of what issues remain to be briefed in this appeal. Appellant will draft the Reply in part based on how this Court rules on his concurrently filed motion to clarify the issues.

Appellant contacted counsel for Appellee who confirmed there is no opposition to the 28-day extension, but he did not know whether he could assent to the Reply being filed on “the later of” this 28-day period or a time after ruling on the co-pending motion.

Accordingly, Appellant respectfully requests that the Court grant an extension to either 28 days after the current deadline (to March 26, 2014), or 14 days after ruling on its concurrently filed motion, namely Motion To Determine Whether Issues Raised By Appellee Without Having Filed A Cross Appeal Are Within The Scope Of This Appeal, whichever is later.

Dated: February 14, 2014      Respectfully Submitted,

/s/Robert P. Greenspoon

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## **CERTIFICATE OF SERVICE**

I hereby certify that on February 14, 2014, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Stephen Moore  
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