

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

CHARTER ADVANCED SERVICES (MN),)	
LLC, and)	
CHARTER ADVANCED SERVICES VIII)	
(MN), LLC,)	
<i>Plaintiffs-Appellees,</i>)	
)	
v.)	
)	
NANCY LANGE, in her official capacity as)	
Chair of the Minnesota Public Utilities)	
Commission;)	No. 17-2290
DAN LIPSCHULTZ, in his official capacity as)	
Commissioner of the Minnesota Public)	
Utilities Commission;)	
MATTHEW SCHUERGER, in his official)	
capacity as Commissioner of the Minnesota)	
Public Utilities Commission;)	
KATIE SIEBEN, in her official capacity as)	
Commissioner of the Minnesota Public)	
Utilities Commission; and)	
JOHN TUMA, in his official capacity as)	
Commissioner of the Minnesota Public)	
Utilities Commission,)	
<i>Defendants-Appellants.</i>)	

PLAINTIFFS-APPELLEES'
MOTION TO POSTPONE ORAL ARGUMENT

Under Federal Rules of Appellate Procedure 27(b) and 34(b), Plaintiffs-Appellees, Charter Advanced Services (MN), LLC and Charter Advanced Services VIII (MN), LLC, respectfully move the United States Court of Appeals for the

Eighth Circuit to postpone oral argument in the above-referenced matter. The oral argument date for this case is currently set at June 12, 2018.

1. This motion is being filed more than 20 days before the date set.

2. On November 16, 2017, after this case had been fully briefed, Ian Gershengorn—appellees’ counsel of record for argument of this case—duly filed his conflict letter (filed 11/16/2017, Entry ID. 4601431) indicating only a conflict in April.

3. However, after appellees’ counsel had filed the conflict letter and before the Court had set the date of June 12 for the argument in this case (Doc. Text filed 05/11/2018), the District Court for the District of Columbia scheduled oral argument for June 13 on a motion before it in *Stewart v. Azar*, No. 1:18-cv-152 (JEB). (See Minute Order entered 04/17/2018 (setting argument date)). Appellees’ counsel of record in this case has been retained to argue that motion, which presents substantial and important questions of law of national importance relating to the administration of the Medicaid program.

4. Before the Court here set the date for oral argument in this case, counsel of record filed a supplemental letter with the Court to bring the new conflict to the Court’s attention. (See docket filed 04/23/18, Entry ID 4653068.)

5. The instant case also presents important issues of law of national importance involving conflict between Minnesota's Public Utilities Commission actions and federal telecommunications law.

6. Counsel of record was not involved in the trial court proceedings in the instant case and so is continuing to familiarize himself with the proceedings and record below.

7. Appellee's counsel of record requires additional time in order to properly prepare and present oral argument on these two important matters given the close proximity of the two oral argument dates, June 12 in St. Paul and June 13 in Washington, D.C.

8. Defendants-Appellants do not consent to the motion.

9. No meaningful prejudice would arise from granting the postponement.

Accordingly, Plaintiffs-Appellees respectfully request that the Court postpone the oral argument in this matter.

Respectfully submitted,

Dated: May 15, 2018

/s/ Ian H. Gershengorn

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CERTIFICATE OF COMPLIANCE WITH FRAP

1. This motion complies with the length limit of Federal Rule of Appellate Procedure 27(d)(2), because it contains 382 words.
2. This motion complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman Font.

/s/Steve Gaskins
Steve Gaskins

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2018, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I further certify that service will be accomplished to all registered CM/ECF users by the CM/ECF system and by U.S. Mail to the following non-CM/ECF users:

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