

Nos. 25-1703/25-1705/25-1754

United States Court of Appeals for the Sixth Circuit

WINERIES OF THE OLD MISSION PENINSULA ASSOCIATION, et al.,

Plaintiffs - Appellees (25-1703/25-1705)/Cross-Appellants (25-1754)

v.

TOWNSHIP OF PENINSULA, MI,

Defendant - Appellant (25-1703)/Cross-Appellee (25-1754)

PROTECT THE PENINSULA, INC.

Intervenor - Appellant (25-1705)/Cross-Appellee (25-1754)

Appeal from the United States District Court
Western District of Michigan, Southern Division
Case No.: 1:20-cv-1008, Honorable Paul L. Maloney

**APPELLEES/CROSS-APPELLANTS' MOTION FOR EXTENSION OF
TIME TO FILE BRIEF ON APPEAL AND EXTENSION OF WORD LIMIT**

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Plaintiffs-Appellees (the “Wineries”) request a 42-day extension to file the Second Brief on appeal under Federal Rules of Appellate Procedure 26(b) and 27, and 6 Cir. R. 26. The Second Brief is currently due on March 6, 2026. (*See* Case 25-1703, Doc. 25, p. 1.) With the requested extension, the Second Brief would be due on April 17, 2026. The Wineries also request a 5,000 word expansion of the word limit for the Second Brief from the current limit of 20,800 words to 25,800 words. (*See* Case 25-1703, Doc. 25, p. 1; Doc. 29.) In support of their motion, the Wineries state:

1. This is a complex civil rights case involving a ten-day bench trial and a record below spanning more than 600 docket entries covering more than 35,000 pages.
2. The Court consolidated all three appeals filed by Peninsula Township, Protect the Peninsula, and the Wineries in Cases 25-1703, 25-1705, and 25-1754, respectively.
3. The Court previously granted a 35-day extension to Peninsula Township to file its First Brief. That extension also applied to Protect the Peninsula. (Case 25-1703, Docs. 24, 25.)
4. The Court previously granted all parties an additional 5,000 words beyond the traditional briefing limits. (Case 25-1703, Doc. 29.)

5. The Court also granted Peninsula Township an additional week to file a corrected First Brief after it failed to initially conform to the word limits. (Case No. 25-1703, Docs. 30; February 6, 2026 Letter.)
6. Peninsula Township's corrected First Brief, filed on February 13, 2026, covers nearly 20 issues and sub-issues across 17,971 words.
7. Protect the Peninsula's First Brief raised at least seven issues plus more sub-issues across 17,990 words. While some of PTP's issues overlap with the Township's, not all do.
8. Four proposed amici have also requested leave to file briefs in support of Peninsula Township. While these briefs mirror Peninsula Township's and Protect the Peninsula's arguments to a large degree, they also raise new issues and seek to introduce new evidence on appeal beyond what has been briefed.
9. In addition to responding to all of those arguments, the Wineries plan to raise four issues on cross-appeal. (*See* Case No. 25-1754, Doc. 11.)
10. Currently, the Wineries are authorized 20,800 words to respond to Peninsula Township's and Protect the Peninsula's briefs, address the arguments raised by the proposed amici, and argue their own cross appeal.
11. After reviewing the First Briefs from Peninsula Township and Protect the Peninsula, undersigned counsel needs an extension of time and modest increase in its word limit to address all of these arguments.

12. Counsel has also commenced preparing its affirmative arguments on the four issues the Wineries seek to appeal. Those arguments alone will consume a significant portion of the 20,800 words currently allotted and will likely cover the majority of the additional 5,000 words requested by this motion.
13. During the month of February, counsel must draft and respond to several dispositive motions in other matters. Counsel is also preparing for an oral argument at the United States Court of Appeals for the Ninth Circuit scheduled for March 10, 2026 in San Francisco, California.
14. This is the Wineries' first request for an extension of time in which to file its Second Brief on appeal.
15. This extension will not prejudice any party to the consolidated appeals.
16. While Peninsula Township was granted a thirty-five-day extension and counsel considered requesting a similar extension, forty-two days is necessary as counsel has a planned family vacation during the first full week of April during school spring break.

For the foregoing reasons, the Wineries respectfully request an extension of time within which to prepare and file their Second Brief on appeal of 42 days from March 6, 2026 to and including April 17, 2026. The Wineries further respectfully request an expansion of the current word limit for their Second Brief on appeal from 20,800 words to 25,800 words.

Respectfully submitted,

MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.

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Dated: February 20, 2026

CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2026, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing upon all ECF filing participants.

MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.

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