

UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

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No. 26-2705

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Mayday Health; Nancy Turbak Berry

Plaintiffs-Appellees

v.

Governor Larry Rhoden, in his official capacity; Attorney General Marty Jackley, in his official capacity

Defendants-Appellants

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Appeal from the United States District Court  
for the District of South Dakota, Southern Division,  
Hon. Camela C. Theeler, U.S. District Judge

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**Motion to Extend Time**

Plaintiffs-Appellees Mayday Health and Nancy Turbak Berry  
("Mayday") move to extend the time to file their response to the State's  
Motion to Stay Preliminary Injunction from September 14 to September 24.

The grounds for this motion are:

1. Mayday's attorney is a sole practitioner who has multiple other pending matters that have required substantial work after the State filed its motion, and that continue to require substantial work.

2. The State filed its Motion to Stay on the afternoon of September 2. That evening, Mayday's attorney had to leave Rapid City so he could be 170 miles away in Pierre, South Dakota, on September 3 to argue two critical motions—a motion to dismiss and a motion to certify a class—in *Marrowbone v. LeBeau*, Case 3:26-cv-03020-RAL (D.S.D.). The following day, September 4, Mayday's attorney had a merits brief due in this Court in a separate case, *Morozov v. Warden*, No. 26-2113, for which the deadline had already been extended once.

3. On September 9, Mayday's attorney has a contested workers' compensation trial for a man who is permanently disabled by a brain injury he sustained in an explosion that killed a co-worker; September 7 and 8 (excluding preparing this motion) are blocked to prepare for it. In addition,

other cases and clients constantly require attention as expected and unexpected matters arise.

4. A prior extension has not been requested.

5. The additional ten days will allow Mayday to file a thorough, complete, and carefully edited response to the Motion to Stay, which will help the Court analyze the issues and reach an appropriate decision.

Dated: September 8, 2026      Respectfully submitted,

/s/ James D. Leach

James D. Leach

Attorney at Law

1617 Sheridan Lake Rd.

Rapid City, SD 57702

Tel: (605) 341-4400

Attorney for Plaintiffs-Appellees

Certificate of Compliance

Pursuant to F.R.A.P. 27(d)(2)(A) and 32(g)(1), I certify that this document contains 266 words. It has been scanned for viruses and is virus-free.

/s/ James D. Leach

James D. Leach

Certificate of Service

I certify that on September 8, 2026, I filed this document electronically, thereby causing automatic electronic service to be made on all parties.

/s/ James D. Leach

James D. Leach