

No. 22-50218

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

WINDERMERE OAKS WATER SUPPLY CORPORATION; DANA MARTIN; WILLIAM
EARNEST; THOMAS MICHAEL MADDEN; ROBERT MEBANE; PATRICK MULLIGAN; JOE
GIMENEZ; DAVID BERTINO; MIKE NELSON; DOROTHY TAYLOR; NORMAN MORSE,

Plaintiffs – Appellees,

v.

ALLIED WORLD SPECIALTY INSURANCE COMPANY,

Defendant – Appellant.

On Appeal from the United States District Court for the
Western District of Texas, Austin Division
Civil Action No. 1:21-CV-258-RP

**APPELLANT’S UNOPPOSED MOTION
TO POSTPONE ORAL ARGUMENT**

Under Federal Rule of Appellate Procedure 34(b) and Fifth Circuit Rule 34.6, Appellant Allied World Specialty Insurance Company (“Allied World”), moves without opposition to postpone oral argument to April 3, 2023, and respectfully shows:

1. On January 20, 2023, the Court calendared this case for oral argument on March 8, 2023 in Oxford, Mississippi.

2. The good cause for this motion is medical. The undersigned counsel for Allied World, Joseph A. Ziemianski, has surgery scheduled for February 23, 2023 and is not supposed to travel for three to five weeks thereafter.

3. Appellee is unopposed.

4. Counsel for both sides, and, reportedly (based on a call with the Court's staff today), the Court, have April 3, 2023 available as an alternative date for oral argument.

5. Therefore, Allied World respectfully requests the Court to postpone oral argument to April 3, 2023.

6. In the event April 3, 2023 is not available or desirable for the Court, April 4, 5 and 28 are additional days counsel for both sides have available.

For these reasons, Allied World respectfully requests the Court to postpone oral argument to April 3, 2023, or an alternative date among April 4, 5 and 28, 2023.

Respectfully submitted,

s/ Joseph A. Ziemianski

Joseph A. Ziemianski

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CERTIFICATE OF CONFERENCE AND NON-OPPOSITION

Under Fifth Circuit Rule 27.4, I certify that the movant has contacted all other parties, and no opposition will be filed.

s/ Joseph A. Ziemianski
Joseph A. Ziemianski

CERTIFICATE OF SERVICE

I certify this document has been served via the Court's ECF filing system in compliance with Rule 25(b) and (c) of the Federal Rules of Appellate Procedure, on January 24, 2023, on all registered counsel of record, and has been transmitted to the Clerk of Court.

s/ Joseph A. Ziemianski
Joseph A. Ziemianski