IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

MARIO DEL VALLE, *et al.*, Plaintiffs-Appellants, v. TRIVAGO GMBH, a German Limited Liability Company, *et al.*, Defendants-Appellees.	No. 20-12407
JAVIER GARCIA-BENGOCHEA, Plaintiff-Appellant, v. CARNIVAL CORPORATION, a foreign corporation, d.b.a.: Carnival Cruise Lines, Defendant-Appellee.	No. 20-12960
JAVIER GARCIA-BENGOCHEA, Plaintiff-Appellant, v. ROYAL CARIBBEAN CRUISES, LTD., Defendant-Appellee.	No. 20-14251

AMENDED MOTION BY THE UNITED STATES
REGARDING AMICUS PARTICIPATION

The United States hereby moves for a 45-day extension of the deadlines contained in this Court's order of December 20, 2021, inviting the government to file an amicus brief in these appeals. With such an extension, the date by which the United States would notify the Court if it elects not to file an amicus brief is March 11, 2022, and the date by which it would file an amicus brief is April 11, 2022. Counsel for the parties have indicated that their clients consent to this extension.

The reasons for this request are as follows:

1. On December 20, 2021, the Court invited the United States to file an amicus brief in these appeals addressing six sets of questions concerning the availability of a judicial remedy under the Cuban Liberty And Democratic Solidarity (LIBERTAD) Act Of 1996, Pub. L. No. 104-114, 110 Stat. 785 (codified at 22 U.S.C. §§ 6021, *et seq*.). The Court asked the United States to file the amicus brief by February 25, 2022 or to inform the Court by January 25, 2022 if the United States elects not to file an amicus brief.

2. The Solicitor General of the United States is the official authorized to decide whether the United States will participate as amicus curiae in the courts of appeals. 28 C.F.R. § 0.20(c). In making

her decision, the Solicitor General typically is informed by the views of interested agencies, as well as by recommendations prepared by United States Department of Justice's Civil Division, which handles litigation on behalf of the United States in the courts of appeals, and by recommendations from an Assistant to the Solicitor General and a Deputy Solicitor General. Government attorneys study the parties' filings and the district court record in preparing their recommendations. And the Solicitor General or her representatives generally have meetings with the parties to afford them an opportunity to present their views and to answer questions government counsel may have.

3. The process of preparing recommendations for the Solicitor General concerning amicus participation often is time consuming. That is especially so in these appeals, which involve multiple district court records and sets of briefing in both the district court and this Court. In addition, the Office of the Solicitor General has scheduled meetings with the parties for January 20, 2022. Those meetings will aid government attorneys in preparing recommendations for the Solicitor General.

4. An additional 45 days is required to afford sufficient time for the process required to develop informed recommendations for the Solicitor General so that she may decide whether to authorize amicus participation and, if that is authorized, what the position of the United States will be.

5. As noted, counsel for the parties have indicated that their clients consent to this extension.

* * * *

For the foregoing reasons, the Court should extend the deadlines in the Court's December 20, 2021 order by 45 days, to March 11, 2022 and April 11, 2022.

Respectfully submitted,

SHARON SWINGLE
s/ Lewis S. Yelin
LEWIS S. YELIN
Attorneys, Appellate Staff, Civil Division
United States Department of Justice
950 Pennsylvania Ave., NW, Rm. 7239
Washington, D.C. 20530
(202) 514-3425

January 13, 2022

CERTIFICATE OF INTERESTED PERSONS

Pursuant to Eleventh Circuit Rule 26.1-2(c), I hereby certify that the United States is not aware of any persons or entities having an interest in the outcome of these appeals in addition to those already identified by the parties.

s/ Lewis S. Yelin
Counsel for the United States

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), I hereby certify that this motion complies with Federal Rule of Appellate Procedure 27(d)(1)(E) because it was prepared with CenturyExpd BT 14-point, a proportionally spaced font, and the motion complies with Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 494 words, according to the word count of Microsoft Word 2016.

s/ Lewis S. Yelin
Counsel for the United States

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of January, 2022, I caused the foregoing motion to be filed with the Court using the appellate CM/ECF system, which constitutes service on all parties under the Court's rules.

s/ Lewis S. Yelin
Counsel for the United States