

**UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

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No. 21-1298

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BRAD RUSH, as the administrator of the estate of Jeffrey Dennis,

Appellee

v.

CITY OF PHILADELPHIA and  
OFFICER RICHARD NICOLETTI, in his individual and official capacity,

OFFICER RICHARD NICOLETTI,  
Appellant

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On Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(D.C. No. 19-cv-932)  
District Judge: Honorable Joshua D. Wolson

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**RESPONSE TO MOTION OF APPELLANT  
TO CONTINUE ORAL ARGUMENT**

Appellee Brad Rush, hereinafter "Appellee," by and through undersigned counsel, does not oppose the Motion of Appellant to Continue Oral Argument. *See* Doc. 41.

To the extent the Court is considering granting the motion for the two weeks requested, specifically, Appellee's counsel has two filing deadlines the week of Sept. 26 that would impede preparation and would request an opportunity to coordinate any rescheduling.

Respectfully submitted,

/s/ Jim Davy  
Jim Davy