

No. 21-2180

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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PAUL GOLDMAN,

*Plaintiff-Appellee,*

v.

ROBERT H. BRINK, in his official capacity, *et al.*,

*Defendants-Appellants.*

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On Appeal from the United States District Court for  
the Eastern District of Virginia

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**RESPONSE TO APPELLEE'S  
MOTION FOR AN EXPEDIATED HEARING AND TO COMPEL  
MEDIATION**

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November 23, 2021

1. Appellants—Robert H. Brink, John O’Bannon, Jamilah D. LeCruise, and Christopher E. Piper—do not object to an expedited briefing schedule. If helpful to the Court, Appellants could be prepared to file their opening brief and joint appendix by December 6, 2021. Appellants are also prepared to file their reply brief within 7 days of receiving Appellee’s response brief.

2. Appellants do, however, oppose Appellee’s request for discretionary mediation. See Fed. R. App. P. 33 (“The court *may* direct the attorneys — and, when appropriate, the parties — to participate in one or more conferences to address any matter that may aid in disposing of the proceedings, including simplifying the issues and discussing settlement.” (emphasis added)). This appeal raises discrete questions of law antecedent to the merits and unsuitable for resolution through mediation. As a result, mediation will serve only to prolong the proceedings and delay resolution of Appellee’s case. Appellants therefore respectfully request that the Court deny Appellee’s motion to compel mediation.

Respectfully submitted,

ROBERT H. BRINK, JOHN O'BANNON,  
JAMILAH D. LECRUISE, and  
CHRISTOPHER E. PIPER

By:           /s/ Brittany M. Jones            
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## CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2021, I electronically filed the foregoing response with the Clerk of this Court by using the appellate CM/ECF system. A true copy was also sent, via first class mail and electronically, to:

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*/s/ Brittany M. Jones*

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