

**NO.** \_\_\_\_\_

**IN THE TEXAS SUPREME COURT**

\* \* \* \* \*

**DR. ANDREW J. WAKEFIELD,**

**PETITIONER**

**V.**

**THE BRITISH MEDICAL JOURNAL PUBLISHING GROUP, LTD.; BRIAN DEER;  
AND DR. FIONA GODLEE**

**RESPONDENT**

\* \* \* \* \*

On Petition for Review from the Third Court of Appeals  
Austin, Texas

Court of Appeals Cause No. 03-12-00576-CV

\* \* \* \* \*

**OPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE PETITION FOR REVIEW**

\* \* \* \* \*

THE HONORABLE JUSTICES OF THE COURT:

PETITIONER, DR. ANDREW WAKEFIELD (“Wakefield”) respectfully presents this motion requesting that the time for filing its Petition for Review be extended thirty (30) days from November 3, 2014 to December 3, 2014. In support of this motion, Wakefield would show the Court as follows:

**I.**

Wakefield seeks this Court's review of the Third Court of Appeal's opinion in Cause No. 03-12-00576-CV, *Dr. Andrew J. Wakefield v. The British Medical Journal Publishing Group, Ltd., Brian Deer and Dr. Fiona Godlee*. The lower court's judgment was rendered on August 3, 2012.

**II.**

Pursuant to Tex. R. App. P. 53.7, Wakefield's Petition for Review to this Court was due on November 3, 2014. However, pursuant to Tex. R. App. P. 53.7(f) Wakefield requests a thirty (30) extension to file a petition. This is Wakefield's first request for an extension of time from the Court in this matter.

**III.**

Wakefield is currently in the process of securing additional appellate counsel and as a result requests an extension of time to retain such counsel.

**IV.**

This extension is not sought for purposes of delay, but so that justice may be done.

**V.**

On November 17, 2014, the undersigned conferred with Mr. Marc Fuller, appellate counsel for Respondent, via telephone. Respondent opposes Petitioner's request for this extension.

**Prayer**

Petitioner, Wakefield, respectfully prays that this motion for extension of time be granted and that the time for filing the petition for review be extended to December 3, 2014.

Respectfully submitted,

By: /s/ John D. Saba

William M. Parrish  
State Bar No. 15540325  
bparrish@dpelaw.com  
John D. Saba, Jr.  
State Bar No. 24037415  
jsaba@dpelaw.com  
DiNovo, Price, Ellwanger &  
Hardy, LLP  
Plaza 7000, Ste. 350  
Austin, Texas 78731  
(512) 539-2626  
(512) 539-2627 Facsimile

COUNSEL FOR PETITIONER,  
DR. ANDREW J. WAKEFIELD, MB, BS

### **CERTIFICATE OF CONFERENCE**

On November 17, 2014, the undersigned conferred with Mr. Marc Fuller, appellate counsel for Respondent, via telephone. Respondent opposes Petitioner's request for this extension.

By: /s/ John D. Saba

John D. Saba, Jr.

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been forwarded on 17th day of November 2014 via File & ServeXpress electronic service and email to Appellant/Respondent's counsel of record.

By: /s/ John D. Saba

John D. Saba, Jr.