



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

April 17, 2018

By ECF and Electronic Mail

Honorable Richard J. Sullivan  
United States District Judge  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *State of New York and State of Minnesota v. U.S. Department of Health and Human Services, et al.*, 18 Civ. 683 (RJS)

Dear Judge Sullivan:

This Office represents defendants United States Department of Health and Human Services (“HHS”) and Alex M. Azar II in his official capacity as Secretary of HHS (collectively, the “Defendants”) in the above-referenced matter, in which plaintiffs assert causes of action pursuant to the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*<sup>1</sup> We write respectfully to request a further two-week extension, until May 4, 2018, of Defendants’ April 20, 2018 deadline to answer the complaint.

As first reported in Defendants’ March 23, 2018 letter to the Court, *see* Dkt. No. 17, the parties are engaged in negotiations to address the allegations in plaintiffs’ complaint. The parties have made substantial progress in these discussions, and are now negotiating and drafting a stipulation. To allow the parties to focus their efforts on the negotiations, and to obviate the need to respond to a pleading that may be overtaken by these ongoing developments, Defendants again respectfully request that their deadline to answer the complaint be extended, this time until May 4, 2018. May 4, 2018 is also the parties’ current deadline to submit a joint letter and case management plan to the Court in advance of the May 11, 2018 initial conference.

The parties anticipate that the contemplated stipulation will propose further adjournments of Defendants’ answer deadline, the May 4, 2018 pre-conference submission deadlines, and the May 11, 2018 conference.

This is Defendants’ second request for an extension of their answer deadline; the first request was granted on March 23, 2018. *See* Dkt. No. 18. Counsel for plaintiffs do not object to this request.

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<sup>1</sup> The complaint originally named as a defendant Eric D. Hargan, who was, at the time of filing, the Acting Secretary of HHS. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Secretary Azar is now the proper defendant and is automatically substituted as a party.

We thank the Court for its consideration of this matter.

Respectfully submitted,

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Southern District of New York

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