

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

**STATE OF TEXAS,
STATE OF KANSAS,
STATE OF LOUISIANA,
STATE OF INDIANA,
STATE OF WISCONSIN, and
STATE OF NEBRASKA**

Plaintiffs,

v.

**UNITED STATES OF AMERICA,
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
DONALD WRIGHT, M.D., M.P.H.,¹ in
his official capacity as ACTING
SECRETARY OF HEALTH AND
HUMAN SERVICES, UNITED STATES
INTERNAL REVENUE SERVICE, and
JOHN KOSKINEN, in his official capacity
as COMMISSIONER OF INTERNAL
REVENUE**

Defendants.

Case No. 7:15-cv-00151-O

CONSENT MOTION TO CONTINUE HEARING

By an through undersigned counsel, Defendants hereby move to continue the hearing in this matter from October 12, 2017 until October 25, 2017 or thereafter at the Court's convenience.

Undersigned counsel conferred with counsel for Plaintiffs, who consent to this motion. Because

¹ Donald Wright, M.D., M.P.H., Acting Secretary of Health and Human Services, has been substituted for Thomas E. Price, M.D., as defendant in this case pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

there is good cause for the request and no party will be prejudiced, the Court should grant the motion.

1. By order dated September 29, 2017, the Court scheduled a hearing on the parties' Cross-Motions for Summary Judgment (ECF Nos. 53-54 and 62-63), Defendants' Motion to Strike Plaintiff States' Expert Designations and Brief in Support (ECF Nos. 68-69), and Plaintiff States' Motion to Strike Defendants' Experts Golden and Truffer and Brief in Support (ECF Nos. 70-71) for October 12, 2017. ECF No. 76. The Jewish holiday of Shemini Atzeret-Simchat Torah begins at sundown on October 11, 2017 and continues through nightfall on October 13, 2017. Undersigned counsel, Ms. Straus Harris, who has had primary responsibility for this case since April 2016 and expects to present argument for Defendants at the hearing, will be unavailable due to the Jewish holiday.

2. On September 29, 2017, undersigned counsel conferred with Mr. Austin Nimocks, counsel for Plaintiffs, who indicated that Plaintiffs consent to Defendants' motion to continue the hearing. Mr. Nimocks advised that he will be out of the office on business-related travel from October 16, 2017 through October 20, 2017, and asked that in their motion to continue the hearing, Defendants request a hearing date on October 25, 2017 or later, to allow Mr. Nimocks time to prepare for the hearing following his return from his scheduled travel.²

3. A proposed order is attached.

Dated: October 2, 2017

Respectfully submitted,

² In the intervening period, Ms. Straus Harris will also be out of the office on religious leave for the Jewish holiday of Sukkot, which begins at sundown on October 4, 2017 and continues through nightfall on October 6, 2017.

CHAD A. READLER
Acting Assistant Attorney General
Civil Division

JOHN R. PARKER
United States Attorney

JOEL McELVAIN
Assistant Director

/s/ Julie Straus Harris
JULIE STRAUS HARRIS
DC Bar No. 1021928
MICHELLE R. BENNETT
CO Bar No. 37050
Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave., NW
Washington, DC 20001
Tel: (202) 353-7633 | Fax: (202) 616-8460
Julie.StrausHarris@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was submitted on October 2, 2017 with the clerk of the court for the U.S. District Court, Northern District of Texas, via the electronic case filing system. I also certify that a copy of this document was served upon all parties, or their attorneys of record, by electronic delivery on this day.

/s/ Julie Straus Harris
JULIE STRAUS HARRIS

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[PROPOSED] ORDER

Upon consideration of Defendants' Consent Motion to Continue Hearing, it is hereby ORDERED that Defendants' motion is granted; and it is further ORDERED that:

The hearing currently scheduled for October 12, 2017, shall be rescheduled for October 25, 2017 or later.

SO ORDERED on this ____ day of _____, 2017.

REED O'CONNOR
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS