

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

TEXAS, WISCONSIN, ALABAMA,  
ARKANSAS, ARIZONA, FLORIDA, GEORGIA,  
INDIANA, KANSAS, LOUISIANA, PAUL  
LePAGE, Governor of Maine, Governor Phil  
Bryant of the State of MISSISSIPPI, MISSOURI,  
NEBRASKA, NORTH DAKOTA, SOUTH  
CAROLINA, SOUTH DAKOTA, TENNESSEE,  
UTAH, WEST VIRGINIA, NEILL HURLEY, and  
JOHN NANTZ,

Plaintiffs,

v.

UNITED STATES OF AMERICA, UNITED  
STATES DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, ALEX AZAR, in his  
Official Capacity as SECRETARY OF HEALTH  
AND HUMAN SERVICES, UNITED STATES  
INTERNAL REVENUE SERVICE, and DAVID  
J. KAUTTER, in his Official Capacity as Acting  
COMMISSIONER OF INTERNAL REVENUE,

Defendants.

Civil Action No. 4:18-cv-00167-O

CALIFORNIA, CONNECTICUT, DISTRICT OF  
COLUMBIA, DELAWARE, HAWAII, ILLINOIS,  
KENTUCKY, MASSACHUSETTS,  
MINNESOTA by and through its Department of  
Commerce, NEW JERSEY, NEW YORK, NORTH  
CAROLINA, OREGON, RHODE ISLAND,  
VERMONT, VIRGINIA, AND WASHINGTON,

Intervenor-Defendants.

**UNOPPOSED MOTION TO RESCHEDULE HEARING ON PLAINTIFFS'  
APPLICATION FOR A PRELIMINARY INJUNCTION**

On August 14, 2018, the Court scheduled the oral hearing on Plaintiffs' Application for a Preliminary Injunction for Monday, September 10, 2018 at 9:30 a.m. ECF No. 184. Counsel for the Intervenor-Defendants respectfully submit this unopposed motion to reschedule the hearing for, at the Court's convenience, either September 13, 2018 or September 14, 2018, to avoid holding the hearing on the Jewish holiday of Rosh Hashanah, which this year falls on September 10-11, 2018. Co-lead counsel for the State of California, Nimrod P. Elias, is an observant Jew who cannot attend the hearing if it occurs on this Jewish holiday due to restrictions on working, traveling, and using electronics during this holiday (which would also preclude travelling to Texas on September 11th, at least until after nightfall). As explained in the certificate of conference below, neither the Plaintiffs nor the federal Defendants object to rescheduling the hearing for either September 13, 2018 or September 14 2018; however, the Plaintiff States have indicated a preference for September 13, 2018. The Intervenor-Defendants would greatly appreciate the Court's accommodation to avoid the aforementioned conflict.

#### **Certificate of Conference**

I hereby certify that on August 15, 2018, I conferred with Austin R. Nimocks, counsel for the Plaintiff States, concerning the hearing date on Plaintiffs' Application for a Preliminary Injunction. During that conference, Mr. Nimocks indicated that the Plaintiff States did not object to moving the hearing date to either September 13, 2018 or September 14, 2018 (although they expressed a preference for the hearing to be set on September 13, 2018). On August 15 and 16, 2018, I also conferred with Daniel D. Mauler, counsel for the federal Defendants, concerning the hearing date on Plaintiffs' Application for a Preliminary Injunction. In an August 16, 2018 email, Mr. Mauler stated that "[a]fter some re-arranging of schedules, [federal Defendants] can be available for a hearing on either September 13th or 14th."

Dated: August 16, 2018

Respectfully submitted,

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/s/ NELI N. PALMA

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