

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

TEXAS, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants,

and

CALIFORNIA, *et al.*,

Intervenors-Defendants.

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

**FEDERAL DEFENDANTS' UNOPPOSED MOTION FOR
EXTENSION OF TIME TO RESPOND TO COMPLAINT**

Defendants United States of America; U.S. Department of Health and Human Services; Alex Azar, Secretary of Health and Human Services; U.S. Internal Revenue Service; and David J. Kautter, Commissioner of Internal Revenue (collectively, the “Federal Defendants”), respectfully request an extension until 30 days after this Court rules upon the pending Application for Preliminary Injunction [ECF No. 39] to respond to the Amended Complaint. In support of this motion, the Federal Defendants state as follows:

1. On April 23, 2018, Plaintiffs and the Federal Defendants filed a Joint Motion for Entry of Briefing Schedule and to Extend Time and Page Limits [ECF No. 26]. Pursuant to that motion, the parties proposed June 15, 2018, as the deadline by which the Federal Defendants must respond to the Amended Complaint and Application for Preliminary Injunction. On April 24, 2018, this Court granted, in part, that request by extending to June 7, 2018, the Federal Defendants’ response deadline.

2. Today, the Federal Defendants filed a Response to the Application for Preliminary Injunction [ECF No. 92]. However, the Federal Defendants respectfully request an extension of the time to respond to the Amended Complaint until 30 days after the Court has ruled upon the Application for Preliminary Injunction.
3. In support of this request, we note that this case is, at its core, a legal dispute. As such, the Federal Defendants' Answer will not meaningfully affect consideration of the legal issues presented in Plaintiffs' Application for Preliminary Injunction, and the responses thereto. While the Amended Complaint is 85 paragraphs in length, those paragraphs focus nearly exclusively upon legal arguments, which the Federal Defendants have addressed in their response to the Preliminary Injunction Application.
4. Earlier today, the Attorney General submitted to the Congress a letter pursuant to 28 U.S.C. §530D, advising that the Department of Justice will not defend the constitutionality of 26 U.S.C. 5000A(a), and has determined that certain provisions of the Affordable Care Act ("ACA") are inseverable from that provision. *See* Letter from Jefferson B. Sessions, Attorney General, to Paul Ryan, Speaker of the U.S. House of Representatives (June 7, 2018), <https://www.justice.gov/file/1069806/download>. In light of the Attorney General's determination, the Federal Defendants require additional time to prepare their response to the Amended Complaint.

WHEREFORE, the Federal Defendants respectfully request that the Court enter the attached proposed order.

CERTIFICATE OF CONFERENCE

Pursuant to Local Civil Rule 7.1(b), the undersigned counsel certifies that the Federal Defendants' counsel, Daniel D. Mauler, conferred with opposing counsel on June 7, 2018, regarding this motion. Plaintiffs and Intervenor Defendants indicated they do not oppose this motion.

Dated: June 7, 2018

Respectfully submitted,

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Acting Assistant Attorney General

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Deputy Assistant Attorney General

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Counsel to the Assistant Attorney General

/s/ Daniel D. Mauler
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Counsel for the Federal Defendants

CERTIFICATE OF SERVICE

I certify that on June 7, 2018, I filed the foregoing document with the Clerk of Court via the CM/ECF system, causing it to be served electronically on all counsel of record.

/s/ Daniel D. Mauler
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ORDER

Pending before the Court is the Federal Defendants' Unopposed Motion to Extend Time to Respond to the Amended Complaint (the "Motion), filed on June 7, 2018. Based upon the Motion and other good cause shown, it is hereby ORDERED as follows:

1. The Motion is GRANTED;
2. The due date for the response of the Federal Defendants to the Amended Complaint [ECF No. 27] in this matter shall be extended until 30 days after the Court issues its ruling upon the pending Application for Preliminary Injunction [ECF No. 39].

So ORDERED.

ENTERED this _____ day of June, 2018.

Judge Reed O'Connor
U.S. District Court for the
Northern District of Texas