

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES HOUSE OF REPRESENTATIVES,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:14-cv-01967-RMC
)	
SYLVIA MATHEWS BURWELL , in her official)	
capacity as Secretary of Health and Human Services, <i>et al.</i> ,)	
)	
Defendants.)	
)	

**DEFENDANTS’ MOTION FOR AN EXTENSION
OF TIME IN WHICH TO FILE THEIR REPLY BRIEF**

The defendants, Sylvia Mathews Burwell, in her official capacity as Secretary of Health and Human Services; the United States Department of Health and Human Services; Jacob J. Lew, in his official capacity as Secretary of the Treasury; and the United States Department of the Treasury, respectfully request that the Court afford them an extension of time until March 31, 2015, in which to file the reply brief in support of their motion to dismiss the complaint. In support of this motion, the defendants state as follows:

1. The defendants filed a motion to dismiss the complaint on January 26, 2015. ECF 20.
2. With the defendants’ consent, the plaintiff sought and obtained an extension of time until February 27, 2015, in which to file its brief in opposition to the motion to dismiss. ECF 21. The plaintiff filed its opposition brief on that date. ECF 22.
3. Under Local Civil Rule 7(d), the defendants’ reply brief would be due to be filed on or before March 9, 2015. The defendants have not previously requested an extension of time for the filing of this brief.

4. Due to professional and personal obligations of the undersigned counsel, the defendants will be unable to prepare and file their reply memorandum before March 31, 2015. The undersigned counsel holds review responsibility for forthcoming dispositive motions this month in *Marcella Ryan, et al. v. Burwell*, No. 5:14-CV-00269-gwc (D. Vt.), and in *Barbara Smith, et al. v. Burwell*, No. 1:14-CV-01519-APM (D.D.C.), as well as for forthcoming motions practice this month in *Kaiser Foundation Health Plan v. Burwell*, No. 4:14-CV-05255-EMC (N.D. Cal.). Each of these motions will require a significant commitment of the undersigned counsel's time.

5. The undersigned counsel also has previously-scheduled plans to travel from March 7 to March 9, 2015, and March 19 to March 22, 2015. In addition, due to the illness of a family member, the undersigned counsel may need to be out of the office at additional times during this period, on short notice and on an unpredictable basis.

6. The preparation of the defendants' reply brief will require consultation with officials within the Department of Justice and within the defendant agencies. A brief extension of time will permit counsel for the defendants to engage in the process of consultation and to prepare a brief that would be of maximum assistance to this court.

7. The undersigned counsel has conferred with counsel for the plaintiff, who responded that the plaintiff does not object to an extension of time to March 23, 2015, but that the plaintiff does not consent to an enlargement of time beyond that date.

WHEREFORE, the defendants respectfully request that the Court afford them an extension of time until March 31, 2015, in which to file their reply brief in support of their motion to dismiss the complaint.

Dated: March 6, 2015

Respectfully submitted,

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Defendants.)	
_____)	

[PROPOSED] ORDER

Upon consideration of the motion of the defendants, Sylvia Mathews Burwell, in her official capacity as Secretary of Health and Human Services; the United States Department of Health and Human Services; Jacob J. Lew, in his official capacity as Secretary of the Treasury; and the United States Department of the Treasury, for an extension of time in which to file the reply brief in support of their motion to dismiss the complaint, it is hereby

ORDERED that the Motion is GRANTED and the defendants may file the reply brief in support of their motion to dismiss the complaint on or before March 31, 2015.

IT IS SO ORDERED.

Dated: _____, 2015

ROSEMARY M. COLLYER
UNITED STATES DISTRICT JUDGE