

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA
and STATE OF NEW JERSEY,

Plaintiffs,

v.

No. 17-CV-4540-WB

DONALD J. TRUMP, *in his official capacity as President of the United States*; ALEX M. AZAR II, *in his official capacity as Secretary of Health and Human Services*; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; STEVEN T. MNUCHIN, *in his official capacity as Secretary of the Treasury*; UNITED STATES DEPARTMENT OF THE TREASURY; RENE ALEXANDER ACOSTA, *in his official capacity as Secretary of Labor*; and UNITED STATES DEPARTMENT OF LABOR,

Defendants,

LITTLE SISTERS OF THE POOR SAINTS
PETER AND PAUL HOME,

Intervenor-Defendant.

**INTERVENOR-DEFENDANT'S MOTION TO EXTEND TIME TO RESPOND TO
AMENDED COMPLAINT**

Pursuant to Local Rule 7.1, Intervenor-Defendant the Little Sisters of the Poor Saints Peter and Paul Home (the "Little Sisters") moves this Court for an extension of time within which to answer the States' Amended Complaint, which was submitted December 14, 2018. The response is due on December 28, 2018. The Government Defendants have requested an extension of time to respond to the complaint until February 28, 2018, in order to avoid answering the complaint before this Court's resolution of the PI motion (Dkt. 91), and due to government lawyers' scheduling conflicts. The Little Sisters request the same extension as the government to avoid answering the complaint before the federal defendants themselves do so, and to avoid complicating the deadlines

in this case. This deadline extension would not interfere with the schedule for the pending motion for preliminary injunction. The States do not oppose this motion; the federal defendants have not stated their position.

Dated: December 26, 2018

Respectfully submitted,

/s/ Mark Rienzi

Mark Rienzi, *pro hac vice*

Lori Windham *pro hac vice*

The Becket Fund for Religious Liberty

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was electronically filed with the Clerk of the Court for the United States District Court for the Eastern District of Pennsylvania using the CM/ECF system, and that service will be effectuated through the CM/ECF system.

Dated: December 26, 2018

/s/ Mark Rienzi
Mark Rienzi

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Defendants,

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**INTERVENOR-DEFENDANT'S BRIEF IN SUPPORT OF MOTION TO EXTEND
TIME TO RESPOND TO AMENDED COMPLAINT**

Pursuant to Local Rule 7.1, Intervenor-Defendant the Little Sisters of the Poor Saints Peter and Paul Home (the "Little Sisters") respectfully requests an extension of time to and including February 28, 2018, to answer Plaintiffs' amended complaint. The Government Defendants have requested an extension of time to respond to the complaint until February 28, 2018.

An extension of time is warranted for several reasons. First, if the Government Defendants' motion for extension of time is granted, it would align the answer date

for Intervenor-Defendant so that one party is not answering sixty days before the others. Second, it would permit Defendants to answer the complaint after the resolution of the pending motion for preliminary injunction. Third, an extension of time is warranted due to the heavy litigation schedule of Intervenor-Defendant's counsel. Counsel for Intervenor-Defendant has multiple deadlines to meet over the next three weeks, including responsive briefing on a similar preliminary injunction motion in the Northern District of California; multiple discovery due dates, including the close of written discovery in a case in the Eastern District of Michigan; and motions hearings in both this Court and the Northern District of California.

Counsel for Intervenor-Defendant contacted counsel for plaintiffs and government defendants regarding this motion. Counsel for plaintiffs, Mr. Fischer, stated that plaintiffs do not oppose the motion. Counsel for government defendants has not yet responded to the request for consent, and a response is not expected at this time due to the lapse of appropriations.

Intervenor-Defendant is not seeking any alteration in the schedule on Plaintiffs' motion for preliminary injunction and does not expect that granting this motion would delay the progress of the motion for preliminary injunction. Intervenor-Defendant has not previously sought an extension of time to answer the amended complaint.

Dated: December 26, 2018

Respectfully submitted,

/s/ Mark Rienzi
Mark Rienzi, *pro hac vice*
Lori Windham *pro hac vice*
The Becket Fund for Religious Liberty

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Defendants,

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**[PROPOSED] ORDER GRANTING INTERVENOR-DEFENDANT'S MOTION
TO EXTEND TIME TO RESPOND TO AMENDED COMPLAINT**

The Court, having considered Intervenor-Defendant Little Sisters of the Poor, Saints Peter and Paul Home's motion to extend time to file an answer until February 28, 2019, hereby GRANTS the motion.

IT IS SO ORDERED, this _____ day of _____, 2018.

Hon. Wendy Beetlestone
United States District Judge