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6 *Counsel for Defendant-Intervenor*

7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

9 THE STATE OF CALIFORNIA; THE STATE OF  
CONNECTICUT; THE STATE OF DELAWARE; THE  
DISTRICT OF COLUMBIA; THE STATE OF HAWAII;  
10 THE STATE OF ILLINOIS; THE STATE OF  
MARYLAND; THE STATE OF MINNESOTA, BY AND  
THROUGH ITS DEPARTMENT OF HUMAN SERVICES; THE  
11 STATE OF NEW YORK; THE STATE OF NORTH  
CAROLINA; THE STATE OF RHODE ISLAND; THE  
12 STATE OF VERMONT; THE COMMONWEALTH OF  
VIRGINIA; THE STATE OF WASHINGTON,

13 *Plaintiffs,*

14 v.

15 ERIC D. HARGAN, in his official capacity as Acting  
Secretary of the U.S. Department of Health and Human  
Services; U.S. DEPARTMENT OF HEALTH AND  
16 HUMAN SERVICES; R. ALEXANDER ACOSTA, in his  
official capacity as Secretary of U.S. Department of  
Labor; U.S. DEPARTMENT OF LABOR; STEVEN  
17 MNUCHIN, in his official capacity as Secretary of the  
U.S. Department of the Treasury; U.S. DEPARTMENT  
18 OF THE TREASURY; DOES 1-100,

19 *Defendants,*

20 and,

21 THE LITTLE SISTERS OF THE POOR, JEANNE  
JUGAN RESIDENCE; MARCH FOR LIFE  
EDUCATION AND DEFENSE FUND,

22 *Defendants-Intervenors.*

Case No. 4:17-cv-05783-HSG

**MOTION FOR ORDER  
EXTENDING TIME FOR  
INTERVENOR-DEFENDANT  
THE LITTLE SISTERS OF  
THE POOR TO ANSWER  
SECOND AMENDED  
COMPLAINT**

**[N.D. CAL. CIVIL L. R. 6-3]**

1 Intervenor-Defendants the Little Sisters of the Poor, Jeanne Jugan Residence (“Little  
2 Sisters”), hereby move this Court pursuant to Northern District of California Local Rule  
3 6-3 to extend the time to answer the Plaintiffs’ Amended Complaint.

4 The Amended Complaint was filed on December 18, 2018, and a response is due on  
5 January 2, 2019. The federal defendants have requested an extension until February 28,  
6 2019. The Little Sisters seek the same relief as the federal defendants in order to avoid  
7 having to answer the complaint before the preliminary injunction motion (Dkt. 174) is  
8 resolved, and to avoid the substantial prejudice of being required to file an answer before  
9 the defendants themselves do so. This is the first request for an extension regarding the  
10 Second Amended Complaint and would not interfere with the progress of the preliminary  
11 injunction motion. Given the Defendants’ request for an extension, it will not  
12 substantially affect the schedule for the rest of the case.

13 The Little Sisters have conferred with the other parties; the Plaintiffs do not oppose  
14 this motion; the Government Defendants have not stated whether they oppose this  
15 motion.

16 Dated: December 26, 2018

Respectfully submitted,

18 /s/ Lori H. Windham

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Lori H. Windham

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*Counsel for Defendant-Intervenor the Little Sisters of the Poor, Jeanne Jugan Residence*

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22

23 *Defendants-Intervenors.*

Case No. 4:17-cv-05783-HSG

**DECLARATION IN SUPPORT  
OF MOTION FOR ORDER  
EXTENDING TIME FOR  
DEFENDANT-INTERVENORS  
THE LITTLE SISTERS OF  
THE POOR TO ANSWER  
SECOND AMENDED  
COMPLAINT**

**[N.D. CAL. CIVIL L. R. 6-3]**

1 I, Lori Windham, declare as follows:

2 1. I am a Senior Counsel with the Becket Fund for Religious Liberty. I am an attorney  
3 of record in the above-captioned matter.

4 2. I have personal knowledge of all facts stated in this declaration, and if called to  
5 testify, I could and would testify competently thereto.

6 3. My colleague Diana Verm contacted counsel for plaintiffs and government  
7 defendants regarding this motion. Counsel for plaintiffs, Ms. Boergers, stated that  
8 plaintiffs do not oppose the motion to extend the answer deadline to Feb. 28. Counsel for  
9 government defendants has not yet responded to the request for consent, and I expect  
10 there may be a delay in their response due to the lapse of appropriations.

11 4. The Government Defendants have sought a similar extension of time. If Intervenor  
12 Defendants were required to answer at this point, they would be doing so well in advance  
13 of the Government Defendants' answer and during the time allocated for the Little  
14 Sisters' response to Plaintiffs' motion for preliminary injunction.

15 5. Counsel for the Little Sisters has multiple deadlines to meet over the next three  
16 weeks, including responsive briefing on a similar preliminary injunction motion in the  
17 Eastern District of Pennsylvania; multiple discovery due dates, including the close of  
18 written discovery in a case in the Eastern District of Michigan; and motions hearings in  
19 both this Court and the Eastern District of Pennsylvania.

20 5. The Little Sisters are not seeking any alteration in the schedule on Plaintiffs'  
21 motion for preliminary injunction, and do not expect that granting this motion would  
22 delay the progress of the motion for preliminary injunction.

23



**IN THE UNITED STATES DISTRICT COURT  
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EDUCATION AND DEFENSE FUND,

*Defendants-Intervenors.*

Case No. 4:17-cv-05783-HSG

**[PROPOSED] ORDER  
GRANTING INTERVENOR-  
DEFENDANT'S MOTION FOR  
EXTENSION OF TIME**

**[N.D. CAL. CIVIL L. R. 6-3]**

1           The Court, having considered Intervenor-Defendant Little Sisters of  
2 the Poor, Jeanne Jugan Residence's motion to extend time to file an  
3 answer until February 28, 2019, hereby GRANTS the motion.  
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8 **IT IS SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.  
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11 Dated: \_\_\_\_\_  
12 \_\_\_\_\_

13 HON. HAYWOOD S. GILLIAM, JR.

14 UNITED STATES DISTRICT JUDGE  
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