

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

RICHARD W. DEOTTE <i>et al.</i>,)	
)	
Plaintiffs,)	Case No. 4:18-CV-00825-Y
)	
v.)	
)	
ALEX M. AZAR II, in his official capacity as Secretary of Health and Human Services <i>et al.</i>,)	
)	
Defendants.)	

DEFENDANTS' UNOPPOSED MOTION TO CONTINUE HEARING

TO THE HONORABLE REED O'CONNOR, UNITED STATES DISTRICT JUDGE
PRESIDING:

Defendants hereby respectfully request that the Court reschedule the hearing in this matter currently set for May 20, 2019. In support of this motion, Defendants, through undersigned counsel, state the following:

1. The Court has scheduled a hearing on Plaintiffs' Motion for Summary Judgment for Monday, May 20, 2019, at 2:00 p.m. ECF No. 41.
2. Deputy Assistant Attorney General James Burnham, who oversees the Federal Programs Branch, will be representing Defendants at the hearing. Mr. Burnham has several other litigation matters scheduled in the next two weeks, including oral arguments on May 17 and 24, 2019, in Oakland, California and Washington, D.C., respectively in cases challenging the President's Declaration of a National Emergency.
3. Defendants thus respectfully request that the hearing be postponed until May 28, 2019 or a date thereafter, so that Mr. Burnham may argue this matter for Defendants.
4. This request is not sought for purposes of delay, but in order that justice may be served.

5. Counsel for Defendants conferred with counsel for Plaintiffs regarding this motion, and Plaintiffs stated that they do not oppose the relief requested by Defendants' motion, but are also prepared to proceed on the current hearing date.

6. For the Court's awareness, Defendants further note that undersigned counsel for Defendants, Daniel Riess, is currently out of the office on vacation, and will not return until May 29, 2019.

Therefore, although Defendants greatly regret any inconvenience to the Court and the other litigants, Defendants respectfully request the postponement of the May 20, 2019 hearing until May 28, 2019 or a date thereafter. A proposed order is being emailed to Chambers concurrent with the filing of this motion.

Dated: May 13, 2019

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

JAMES BURNHAM
Deputy Assistant Attorney General

MICHELLE R. BENNETT
Assistant Branch Director

/s/ Daniel Riess
DANIEL RIESS (Texas Bar # 24037359)
Trial Attorney
U.S. Department of Justice
Civil Division, Rm. 6122
20 Massachusetts Avenue, NW
Washington, D.C. 20530
Telephone: (202) 353-3098
Fax: (202) 616-8460
Email: Daniel.Riess@usdoj.gov
Attorneys for Defendants

CERTIFICATE OF SERVICE

On May 13, 2019, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2) or the local rules.

/s/ Daniel Riess