

No. 19-10754

---

**In the United States Court of Appeals for the Fifth Circuit**

---

RICHARD W. DEOTTE, ON BEHALF OF THEMSELVES AND OTHERS  
SIMILARLY SITUATED; YVETTE DEOTTE, ON BEHALF OF THEMSELVES  
AND OTHERS SIMILARLY SITUATED; JOHN KELLEY, ON BEHALF OF  
THEMSELVES AND OTHERS SIMILARLY SITUATED; ALISON KELLEY, ON  
BEHALF OF THEMSELVES AND OTHERS SIMILARLY SITUATED; HOTZE  
HEALTH & WELLNESS CENTER, ON BEHALF OF THEMSELVES AND  
OTHERS SIMILARLY SITUATED; BRAIDWOOD MANAGEMENT,  
INCORPORATED,

*Plaintiffs-Appellees,*

v.

STATE OF NEVADA,

*Appellants.*

---

On Appeal from the United States District Court  
for the Northern District of Texas, Fort Worth Division  
Case No. 4:18-cv-00825-O

---

**APPELLEES' UNOPPOSED MOTION TO EXTEND TIME TO  
FILE ANSWERING BRIEF**

---

JONATHAN F. MITCHELL  
Mitchell Law PLLC  
111 Congress Avenue, Suite 400  
Austin, Texas 78701  
(512) 686-3940  
jonathan@mitchell.law

*Counsel for Plaintiffs-Appellees*

---

## CERTIFICATE OF INTERESTED PERSONS

Counsel of record certifies that the following persons and entities as described in the fourth sentence of Fifth Circuit Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

<b>Plaintiffs</b>	<b>Plaintiffs' Counsel</b>
<ul style="list-style-type: none"> <li>• Richard W. DeOtte</li> <li>• Yvette DeOtte</li> <li>• John Kelley</li> <li>• Alison Kelley</li> <li>• Hotze Health &amp; Wellness Center</li> <li>• Braidwood Management Inc.</li> </ul>	Jonathan F. Mitchell MITCHELL LAW PLLC  Charles W. Fillmore H. Dustin Fillmore THE FILLMORE LAW FIRM, LLP

<b>Defendants</b>	<b>Defendants' Counsel</b>
<ul style="list-style-type: none"> <li>• Alex M. Azar II, in his official capacity as Secretary of Health and Human Services</li> <li>• Steven T. Mnuchin, in his official capacity as Secretary of the Treasury</li> <li>• Patrick Pizzella, in his official capacity as Acting Secretary of Labor</li> <li>• United States of America</li> </ul>	Daniel M. Reiss James M. Burnham  UNITED STATES DEPARTMENT OF JUSTICE

<b>Proposed Intervenor</b>	<b>Proposed Intervenor's Counsel</b>
<ul style="list-style-type: none"> <li>• State of Nevada</li> </ul>	Heidi Stern Craig Newby  OFFICE OF THE NEVADA ATTORNEY GENERAL

/s/ Jonathan F. Mitchell  
 JONATHAN F. MITCHELL  
*Counsel for Plaintiffs-Appellees*

Earlier today, the appellees filed a motion to suspend briefing and stay the appeal until the Supreme Court issues its rulings in *Little Sisters of the Poor v. Pennsylvania*, No. 19-431, and *Trump v. Pennsylvania*, No. 19-454. The appellees' answering brief is currently due next Tuesday, January 21, 2020. The appellees respectfully move for a 30-day extension of this deadline while the Court considers the accompanying motion to suspend briefing and stay the appeal. Nevada is unopposed to this request.

### CONCLUSION

The Court should extend the deadline for appellees to file their answering brief by 30 days, until February 20, 2020, while the Court considers the appellees' motion to suspend briefing and stay the appeal.

Respectfully submitted.

/s/ Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
Mitchell Law PLLC  
111 Congress Avenue, Suite 400  
Austin, Texas 78701  
(512) 686-3940  
jonathan@mitchell.law

Dated: January 17, 2020

*Counsel for Plaintiffs-Appellees*

## CERTIFICATE OF CONFERENCE

I certify that I conferred with Craig A. Newby, counsel for Nevada, and he informed me that Nevada is unopposed to this motion.

Dated: January 17, 2020

/s/ Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
*Counsel for Plaintiffs-Appellees*

## CERTIFICATE OF SERVICE

I certify that on January 17, 2020, this document was electronically filed with the clerk of the court for the U.S. Court of Appeals for the Fifth Circuit and served through CM/ECF upon:

HEIDI PARRY STERN  
Solicitor General  
CRAIG A. NEWBY  
Deputy Solicitor General  
Office of the Nevada Attorney General  
555 East Washington Avenue  
Las Vegas, Nevada 89101  
(702) 486-3594  
hstern@ag.nv.gov  
cnewby@ag.nv.gov

/s/ Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
*Counsel for Plaintiffs-Appellees*

## CERTIFICATE OF COMPLIANCE

with type-volume limitation, typeface requirements,  
and type-style requirements

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because it contains 115 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).
2. This motion complies with the typeface and type-style requirements of Fed. R. App. P. 27(d)(1)(E), 32(a)(5), and Fed. R. App. P. 32(a)(6) because it uses Equity Text B 14-point type face throughout, and Equity Text B is a proportionally spaced typeface that includes serifs.

Dated: January 17, 2020

/s/ Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
*Counsel for Plaintiffs-Appellees*

## CERTIFICATE OF ELECTRONIC COMPLIANCE

Counsel also certifies that on January 17, 2020, this brief was transmitted to Mr. Lyle W. Cayce, Clerk of the United States Court of Appeals for the Fifth Circuit, via the court's CM/ECF document filing system, <https://ecf.ca5.uscourts.gov/>.

Counsel further certifies that: (1) required privacy redactions have been made, 5th Cir. R. 25.2.13; (2) the electronic submission is an exact copy of the paper document, 5th Cir. R. 25.2.1; and (3) the document has been scanned with the most recent version of VirusTotal and is free of viruses.

/s/ Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
*Counsel for Plaintiffs-Appellees*