

ORAL ARGUMENT SCHEDULED FOR MARCH 20, 2020**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

ASSOCIATION FOR COMMUNITY AFFILIATED
PLANS; NATIONAL ALLIANCE ON MENTAL
ILLNESS; MENTAL HEALTH AMERICA;
AMERICAN PSYCHIATRIC ASSOCIATION;
AIDS UNITED; THE NATIONAL
PARTNERSHIP FOR WOMEN &
FAMILIES; LITTLE LOBBYISTS, LLC,

Plaintiffs-Appellants,

v.

UNITED STATES DEPARTMENT OF
TREASURY; U.S. DEPARTMENT OF LABOR;
U.S. DEPARTMENT OF HEALTH AND HUMAN
SERVICES; ALEX M. AZAR II, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF HEALTH AND
HUMAN SERVICES; PATRICK PIZZELLA, IN
HIS OFFICIAL CAPACITY AS ACTING
SECRETARY OF LABOR; STEVEN MNUCHIN,
IN HIS OFFICIAL CAPACITY AS SECRETARY
OF THE REASURY; UNITED STATES OF
AMERICA,

Defendants-Appellees.

No. 19-5212

**UNOPPOSED MOTION FOR A 14-DAY EXTENSION OF TIME
TO FILE APPELLANTS' REPLY BRIEF**

Pursuant to Circuit Rule 28(e), plaintiffs-appellants respectfully request a 14-day extension of the deadline for filing their reply brief, to and including February 25, 2020. Defendants consent to this motion.

There is good cause for the requested extension, for the following reasons.

1. This case concerns appellants' claim that a regulation issued by the Departments of the Treasury, Labor, and Health and Human Services is inconsistent with the Patient Protection and Affordable Care Act, Public Law No. 111-148, 124 Stat. 119 (2010), and is arbitrary and capricious. The district court rejected this claim and appellants filed their opening brief in this appeal on November 4, 2019.

2. The government received a 45-day extension within which to file its responsive brief. It filed that brief on January 21, 2021. In addition, various *amici* have indicated that they intend to file in support of the government next week.

3. Absent an extension, appellants' reply brief will be due on February 11, 2020.

4. The attorney with primary responsibility for preparing appellants' reply brief also is responsible for several other filings with proximate due dates, including an *amicus* brief in *Barr v. City of Chicago*,

No. 19-3290 (7th Cir., due Jan. 28, 2020); a brief in *In re Enforcement of Philippine Forfeiture Judgement Against All Assets of Arelma, S.A.*, No. 19 Misc. 412 (S.D.N.Y., due Feb. 7, 2020); and a petition for a writ of certiorari in a capital case, *Dailey v. State* (U.S. S.Ct., due February 10, 2020).

5. Oral argument in this appeal has been scheduled for March 20, 2020. A 14-day extension of time for the filing of appellants' reply brief therefore would leave more than three weeks between the filing of that brief and oral argument.

6. As noted, the government consents to this extension request.

Respectfully submitted,

/s/ Charles Rothfeld

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January 24, 2019

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I hereby certify that this motion complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Century Schoolbook, a proportionally spaced font, and that it complies with the type-volume limitation of Fed. R. App. 27(d)(2)(A) because it contains 297 words.

/s/ Charles A. Rothfeld

Charles A. Rothfeld

Counsel for Appellants

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on January 24, 2020, I filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system which will serve all counsel of record.

/s/ Charles A. Rothfeld
Charles A. Rothfeld

Counsel for Appellants