

BROWN GOLDSTEIN LEVY

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March 20, 2020

BY ECF

The Honorable Catherine C. Blake
United States District Judge
101 West Lombard Street
Chambers 7D
Baltimore, MD 21201

Re: *Planned Parenthood of Maryland, Inc., et al. v. Alex M. Azar II, et al.*
Civil Action No. CCB-20-00361

Dear Judge Blake:

Plaintiffs in the above-captioned case respectfully submit this letter seeking a telephonic status conference pursuant to Federal Rule of Civil Procedure 16(a) to discuss amendments to the expedited briefing schedule entered by this Court on February 26, 2020. *See* ECF No. 27.

On February 26, 2020, the parties filed a joint motion for a briefing schedule that they believed might “help avoid the need for Plaintiffs to seek, and for this Court to consider awarding, preliminary injunctive relief against Defendants on or before June 27, 2020, the implementation deadline set for the federal rule challenged in this case.” ECF No. 26. This Court entered that schedule, pursuant to which Plaintiffs filed their motion for summary judgment on March 2, 2020; Defendants were to file a response and cross-motion for summary judgment by March 27, 2020; Plaintiffs were to file a response and reply by April 22, 2020; and Defendants were to file a reply by May 11, 2020.

On March 14, 2020, the Court entered its Second Amended Standing Order 2020-03, *In re: Court Operations Under the Exigent Circumstances Created by COVID-19*, Misc. No. 00-308 (D. Md.). That order extends all civil filing deadlines that fall between March 16, 2020, and March 27, 2020, by fourteen days, “unless the presiding judge in an individual case sets a different date by an order issued after the date” of the Standing Order. The Second Amended Standing Order has the effect of extending the deadline for Defendants’ opposition and cross-motion but no other deadlines in the schedule set on February 26, 2020.

Plaintiffs respectfully request a telephonic status conference at the Court’s earliest convenience to address amendments to the briefing schedule that would still permit the Court sufficient time to consider briefing and issue a ruling as long as possible before the rule’s implementation deadline of June 28, 2020. They propose the following schedule:

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April 2, 2020:

Deadline for Defendants to file (1) in lieu of an answer, a combined response to Plaintiffs' motion for summary judgment and a cross-motion for summary judgment (not to exceed 55 pages), and (2) the certified Administrative Record;

April 23, 2020:

Deadline for Plaintiffs to file (1) a combined response to Defendants' cross-motion for summary judgment and reply in support of Plaintiffs' motion for summary judgment (not to exceed 45 pages), and (2) another copy of their original memorandum in support of summary judgment that is identical to the version filed March 2, 2020, with the exception that Plaintiff will add pincites to the Administrative Record; and

May 12, 2020:

Deadline for Defendants to file a reply in support of their cross-motion for summary judgment (not to exceed 30 pages).

Defendants have informed Plaintiffs that they oppose this schedule but have not informed us of their position on holding a telephonic scheduling conference.

Plaintiffs thank the Court for its consideration of this matter.

Sincerely,



Andrew D. Freeman

ADF/ld

cc: All counsel, by ECF

P.S. As I was filing this letter, the Court's Standing Order 2020-05 arrived by email. That Order further extends filing deadlines by an additional four weeks (six weeks total), which would further interfere with the orderly resolution of this case. But it, like the preceding order, allows for a modification of dates by the presiding judge in an individual case. Plaintiffs believe that Standing Order 2020-05 makes a telephonic scheduling conference even more necessary.