

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

MAYOR AND CITY COUNCIL OF  
BALTIMORE,

Plaintiff-Appellee,

v.

ALEX M. AZAR, II, in his official capacity  
as the Secretary of Health and Human  
Services, et al.,

Defendants-Appellants.

Nos. 19-1614 &  
20-1215

**RESPONSE IN OPPOSITION TO APPELLEE'S MOTION TO  
EXTEND TIME FOR APPELLANTS' REPLY BRIEF**

Plaintiff-Appellee has moved this Court to extend the deadline for the government's reply brief, which would make the reply brief due 3 days before argument. The government respectfully requests that the Court deny the motion.

1. This Court granted hearing en banc in these consolidated appeals on an expedited schedule. *See* Order Granting Motion to Consolidate and Initial Hearing En Banc (Mar. 27, 2020). Pursuant to that schedule, the government must file its supplemental reply brief one week after Appellee files its supplemental response brief, on May 1.

*See* Order Directing Supplemental Briefing (Mar. 27, 2020). And the parties are presenting argument less than one week after that date, on May 7. *See* Order Scheduling Argument (Apr. 16, 2020).

2. On April 23, 2020, Appellee moved to extend the government's deadline to file a reply brief to May 4, just 3 days before argument. *See* Appellee's Opposed Motion To Extend Time For Appellants To File Their Reply Brief (Apr. 23, 2020). It seeks to push back the government's deadline so that an amicus may have one full week to file its brief in support of Appellee.

3. The government respectfully requests that the Court deny the motion. In light of the expedited nature of this appeal, the government respectfully suggests that the better solution is for amicus to file its brief supporting Appellee on an expedited schedule. To avoid prejudice to the Court and the government, the government suggests that any amicus brief supporting Appellee should be filed by Tuesday, April 28. That would provide the government with adequate time to respond to the amicus submissions and would provide the Court with more time to review all of the briefs prior to the upcoming oral argument.

## CONCLUSION

The government respectfully requests that the Court deny Plaintiff-Appellee's motion to extend the time for the government to file its reply brief.

Respectfully submitted,

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Jaynie Lilley

*/s/ Joshua Dos Santos*

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APRIL 2020

## CERTIFICATE OF COMPLIANCE

I hereby certify that this response complies with the word limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 309 words, excluding the parts of the motion exempted by Federal Rule of Appellate Procedure 32(f). I further certify that this response complies with the typeface and type-style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E), 32(a)(5), and 32(a)(6) because it has been prepared using Microsoft Word 2013 in a proportionally spaced typeface, 14-point Century Schoolbook font.

*/s/ Joshua Dos Santos*  
Joshua Dos Santos