

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

WHITMAN-WALKER)
CLINIC, INC., *et al.*,)
)
Plaintiffs,)
)
v.)
)
U.S. DEPARTMENT OF HEALTH)
AND HUMAN SERVICES, *et al.*,)
)
Defendants.)
_____)

Case No. 1:20-cv-01630-JEB

**MOTION FOR AN EXTENSION OF TIME
TO RESPOND TO PLAINTIFFS' COMPLAINT**

Defendants, U.S. Department of Health and Human Services, Alex M. Azar, II, in his official capacity as Secretary of Health and Human Services, Roger Severino, in his official capacity as Director, Office for Civil Rights, U.S. Department of Health and Human Services, and Seema Verma, in her official capacity as Administrator for the Centers for Medicare and Medicaid Services, U.S. Department of Health and Human Services, bring this motion requesting an extension of time to respond to plaintiffs' complaint. As of now, defendants' response to the complaint would be due on August 25, 2020. *See* Fed. R. Civ. P. 12(a)(2).

Currently pending before this Court is plaintiffs' Motion for Preliminary Injunction or, in the Alternative, Motion to Stay Pending Judicial Review Pursuant to 5 U.S.C. § 705 (ECF 29). Defendants have been busy drafting briefs in this and related cases, and thus, defendants have not had sufficient time to work on their response to plaintiffs' complaint. In addition, defendants would appreciate the opportunity to review this Court's disposition of plaintiffs' motion before responding to plaintiffs' complaint, as the Court's order may affect defendants' response. To that end, defendants request that their response to the complaint be due twenty-one days from the date of this Court's order resolving plaintiffs' pending motion for a preliminary injunction.

Defendants have conferred with plaintiffs, who indicate that they oppose this motion. In the event the Court denies this motion, defendants request, in the alternative, that they be given until seven days after any order denying this extension motion in which to respond to plaintiffs' complaint.

Dated: August 21, 2020

Respectfully submitted,

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Acting Assistant Attorney General

DAVID M. MORRELL
Deputy Assistant Attorney General

MICHELLE R. BENNETT
Assistant Director, Federal Programs Branch

/s/ William K. Lane III
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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of August, 2020, I caused the foregoing document to be served on counsel for plaintiffs by filing with the Court's electronic case filing system.

/s/ William K. Lane III
William K. Lane III

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[PROPOSED] ORDER

Having considered Defendants’ Motion for an Extension of Time to Respond to Plaintiffs’ Complaint in the above-captioned case, Defendants’ motion is hereby GRANTED. Defendants shall file a response to the complaint twenty-one days from the date on which this Court issues an order disposing of Plaintiffs’ Motion for Preliminary Injunction or, in the Alternative, Motion to Stay Pending Judicial Review Pursuant to 5 U.S.C. § 705 (ECF 29).

Date: _____

JAMES E. BOASBERG
UNITED STATES DISTRICT JUDGE