



United States Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

August 28, 2020

BY ECF

Honorable Steven M. Gold
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Tanya Asapansa-Johnson Walker, et al. v. Alex M. Azar II, et al.*,
Civ. No. 20-CV-02834 (FB) (SMG)

Dear Judge Gold:

The Department of Justice represents defendants Alex M. Azar II, in his official capacity as the Secretary of the United States Department of Health and Human Services (“HHS”), and HHS. Defendants respectfully request that their time to answer, move, or otherwise respond to the complaint in this action be extended to October 30, 2020. This is defendants’ first request for an extension. Plaintiffs’ counsel consents to an extension to September 28.

By way of background, the above-referenced action arises out of plaintiffs’ challenge to HHS’s rule, published on June 18, 2020, that proscribes discrimination in the provision of medical care (“2020 Rule”). Plaintiffs have alleged that aspects of the 2020 Rule violate the Administrative Procedure Act. On August 17, 2020, this Court stayed and enjoined preliminary the repeal of certain provisions of HHS’s prior rule (ECF 23).

Although the docket indicates that defendants’ answer to plaintiffs’ complaint is due on August 28, 2020 (ECF 20), defendants believe that the answer is not due until at least September 2, 2020, as plaintiffs did not effect service until at least July 4, 2020. Regardless, defendants request that their time for responding to plaintiffs’ complaint be extended until October 30, 2020. The additional time will permit defendants an opportunity to review further this Court’s order, as well as forthcoming orders from related actions in other jurisdictions, before determining how to respond to plaintiffs’ complaint. Because this Court has stayed and preliminarily enjoined portions of the 2020 Rule, an extension will not prejudice plaintiffs.

Accordingly, defendants respectfully request that their response to plaintiffs’ complaint be due on October 30, 2020. Thank you for Your Honor’s consideration of this request.

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Respectfully submitted,

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