

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

State of New York, *et al.*,

Plaintiffs,

v.

U.S. Department of Health and Human
Services, *et al.*,

Defendants.

Case No. 1:20-cv-05583-AKH
Hon. Alvin K. Hellerstein

**NOTICE OF DEFENDANTS' MOTION TO STAY BRIEFING ON PLAINTIFFS'
PREMATURE MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE,
TO CONSOLIDATE BRIEFING AND SET A BRIEFING SCHEDULE**

PLEASE TAKE NOTICE that Defendants respectfully request that the Court enter an order extending Defendants' deadline to answer or respond to Plaintiffs' Complaint from September 21 until October 21, and staying briefing on Plaintiffs' motion for summary judgment until after resolution of Defendants' anticipated motion to dismiss. In the alternative, Defendants respectfully request that this Court enter an order extending the deadline to answer or respond to Plaintiffs' Complaint from September 21 until November 6, and extending Defendants' deadline to respond to Plaintiffs' motion for summary judgment from October 13 until November 6. Plaintiffs oppose the relief requested. If this Court denies those requests, Defendants respectfully request that the Court enter an order extending their deadline to respond to Plaintiffs' Complaint and their deadline to respond to Plaintiffs' motion for summary judgment each until fourteen days after the denial order, so long as that extension of Defendants' response deadline to the motion for summary judgment would not make the response due before the current October 13 deadline.

Dated: September 18, 2020

Respectfully submitted,

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/s/ Jordan L. Von Bokern
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