

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

BAGLY, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 20-cv-11297-PBS
	)	
UNITED STATES DEPARTMENT	)	
OF HEALTH AND HUMAN SERVICES,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	

**MOTION FOR AN ENLARGEMNT OF TIME**

Defendants respectfully file this motion for an order enlarging Defendants’ time to file a combined response to Plaintiffs’ opportunity to supplement the record in support of their standing and to the Court’s inquiries up to and including July 15, 2021. Undersigned counsel has consulted with counsel for Plaintiffs and Plaintiffs consent to a one week extension but take no position on more than one week of additional time. Defendants submit the following in support of this motion

1. The Plaintiffs filed an Amended Complaint on September 18, 2020. The Amended Complaint is 107 pages and includes 427 paragraphs. The Amended Complaint brings claims against more than ten unique modifications to regulations implementing Section 1557 of the Affordable Care Act and includes four counts. ECF No. 18.
2. The Amended Complaint joins nine Plaintiffs from across the country and each claims standing to challenge many or all of the Defendants’ modifications to their Section 1557 regulations. ECF No. 18.
3. On October 14, 2020, Defendants moved to dismiss all of Plaintiffs’ claims pursuant to Fed. R. Civ. P. 12(b)(1) and some claims pursuant to Fed. R. Civ. P. 12(b)(6). ECF No. 21.

4. On November 18, 2020, Plaintiffs filed 56 pages of papers in opposition to Defendants' motion introducing thirteen witness declarations dated November 2020. ECF No. 27.
5. On December 9, 2020, Defendants filed a 20-page reply in support of their motion to dismiss. ECF No. 33.
6. On June 3, 2021, the Court held a hearing on Defendants' motion to dismiss. ECF No. 52. The Court invited Plaintiffs to supplement the record with "anything else [Plaintiffs] want" in support of their standing to bring this suit. *See* Transcript of Hearing on Defendants' Motion to Dismiss (hereinafter "Mot. Hr'g Tr.") at 78:16-19. The Court granted Defendants leave to respond within two weeks of Plaintiffs' opportunity to supplement the record, but invited Defendants to seek an extension in light of the holiday week. *Id.* at 79:18-23.
7. On June 17, 2021, Plaintiffs filed 219 pages of papers in response to the Court's invitation. ECF No. 56.
8. Defendants' response is currently due July 1, 2021.
9. This motion is not being made for the purpose of delay, but is based upon current assignments, the press of pending business, and the need to ensure reasonable diligence in preparing a response.
10. Defendants recognize that the Court desires to issue a decision on Defendants' motion promptly, and Defendants have no intention to seek a further enlargement of time.

For the foregoing reasons, Defendants respectfully request that the Court issue an order extending the time to file a combined response to Plaintiffs' opportunity to supplement the record in support of their standing and to the Court's inquiries up to and including July 15, 2021.

A proposed order is attached.

Dated: June 29, 2021

Respectfully submitted,

BRIAN M. BOYNTON  
Acting Assistant Attorney General

MICHELLE R. BENNETT  
Assistant Director, Federal Programs Branch

/s/ Liam C. Holland  
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*Counsel for Defendants*

**LOCAL RULE 7.1(a)(2) CERTIFICATE**

I hereby certify that I communicated with Plaintiffs' counsel, J.A. Sagar, on June 29, 2021, to provide notice of defendants' intent to file this motion. Plaintiffs explained that they consent to a one week extension but take no position on Defendants' request for more than one week of additional time.

/s/ Liam C. Holland  
LIAM C. HOLLAND

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	)	
Defendants.	)	
_____	)	

**[PROPOSED] ORDER**

The Court, having reviewed Defendants’ Motion for an Enlargement of Time for Defendants to file a combined response to Plaintiffs’ opportunity to supplement the record in support of their standing and to the Court’s inquiries, and being duly advised, hereby **GRANTS** the motion for an enlargement of time for Defendants to file a combined response to Plaintiffs’ opportunity to supplement the record in support of their standing and to the Court’s inquiries up to and including July 15, 2021.

**SO ORDERED.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE