

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**

STATE OF OHIO, *et al.*,

Plaintiff,

v.

XAVIER BECERRA, in his official  
capacity as Secretary of Health and Human  
Services, *et al.*,

Defendants.

Case No. 1:21-cv-675

District Judge Timothy S. Black

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME**

Defendants Xavier Becerra, in his official capacity as Secretary of Health and Human Services; United States Department of Health and Human Services; Jessica S. Marcella, in her official capacity as Deputy Assistant Secretary for Population Affairs; and Office of Population Affairs (“Defendants”) respectfully move this Court for a thirty-day extension of Defendants’ time to respond to Plaintiffs’ Complaint in the above-captioned matter. Plaintiffs brought this action on October 25, 2021, and the United States Attorney’s Office for the Southern District of Ohio was served on October 28, 2021. Accordingly, Defendants’ current deadline to answer or otherwise respond to the Complaint is December 27, 2021. Defendants respectfully request that the Court grant a thirty-day extension of that deadline to January 26, 2022.

There is good cause for such an extension. On October 25, 2021, Plaintiffs filed a motion for preliminary injunction and requested a ruling by no later December 31, 2021. *See* Pls.’ Mot. for Preliminary Injunction, ECF No. 2. Consistent with this Court’s scheduling order, the parties completed briefing on that motion on December 3, 2021. *See* Pls.’ Reply in Supp. of Mot. for Preliminary Injunction, ECF No. 46.

The extension requested in this motion would account for the upcoming holiday season, pursuant to which undersigned counsel will be out of the office on previously scheduled annual leave for significant periods of time during the next two weeks. In addition, the Court's ruling on the pending preliminary injunction motion may inform the parties' next steps with respect to this litigation. Finally, the requested extension will provide Defendants with additional time to prepare an appropriate response to Plaintiffs' complaint.

Pursuant to Local Civil Rule 7.3(a), Defendants have conferred with Plaintiffs' counsel about this request, who indicated that Plaintiffs do not oppose this request.

Dated: December 16, 2021

Respectfully submitted

BRIAN M. BOYNTON  
Acting Assistant Attorney General

MICHELLE R. BENNETT  
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*/s/ R. Charlie Merritt*  
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**[PROPOSED] ORDER**

Upon consideration of Defendants' Unopposed Motion for Extension of Time, and good cause having been found, it is hereby

**ORDERED** Defendants' Motion is **GRANTED**, and it is further **ORDERED** that Defendants shall have until January 26, 2022, to file their response to Plaintiffs' Complaint.

So ordered on this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

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TIMOTHY S. BLACK  
UNITED STATES DISTRICT JUDGE