

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

John Kelley, et al.

Plaintiffs,

v.

Alex M. Azar II, et al.,

Defendants.

Case No. 4:20-cv-00283-O

**UNOPPOSED MOTION FOR EXTENSION OF TIME FOR
PLAINTIFFS TO FILE REPLY BRIEF IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT**

The plaintiffs respectfully move for a two-week extension of time to file their combined reply brief in support of their motion for summary judgment (ECF No. 44), and their response to the defendants' cross-motion for summary judgment (ECF No. 62). The brief is currently due on Monday, February 28, 2022. The proposed extension, if granted, would move the deadline to Monday, March 14, 2022. It would also extend the defendants' deadline for filing the reply brief in support of their cross-motion for summary judgment from March 21, 2022, to April 4, 2022.

Plaintiffs' counsel has begun working on the reply brief and has made considerable progress. Nevertheless, the lead counsel for the plaintiffs, Jonathan F. Mitchell, who is researching and drafting the brief, has numerous briefing deadlines and courtroom appearances that are not possible to move, and that will make it difficult for him to complete the response before February 28, 2022. Mr. Mitchell has been especially preoccupied the past two weeks with unexpected emergency briefing in the Pennsylvania redistricting litigation, *Toth v. Chapman*, No. 1:22-cv-00208-JPW (M.D. Pa.), and he intends to file another emergency brief in this matter with the Supreme Court

of the United States on Monday, February 28, 2022. Mr. Mitchell also has two additional briefs in the Supreme Court of the United States due on Wednesday, March 2, 2022, which will require his attention over the weekend.

By contrast, Mr. Mitchell's schedule for the week of March 7, 2022, is currently free of any briefing deadlines or scheduled courtroom appearances, which will enable him to devote his full attention to the numerous and complex issues presented in the competing motions for summary judgment. We have consulted with counsel for the defendants and they are unopposed to this motion.

CONCLUSION

The plaintiffs' unopposed motion to extend the time for filing the reply briefs in support of the cross-motions for summary judgment should be granted.

Respectfully submitted.

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Dated: February 25, 2022

Counsel for Plaintiffs

CERTIFICATE OF CONFERENCE

I certify that I have conferred with Christopher M. Lynch, counsel for the defendants, and he informed me that the defendants are unopposed to this motion.

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on February 25, 2022, I served this document through CM/ECF

upon:

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[PROPOSED] ORDER

The plaintiffs' unopposed motion to extend the time for filing the reply briefs in support of the cross-motions for summary judgment is GRANTED. The plaintiffs shall file their combined reply brief in support of their motion for summary judgment (ECF No. 44), and their response to the defendants' cross-motion for summary judgment (ECF No. 62) no later than Monday, March 14, 2022. The defendants shall file the reply brief in support of their cross-motion for summary judgment no later than April 4, 2022.

Dated: _____, 2022

REED O'CONNOR
UNITED STATES DISTRICT JUDGE