

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

STATE OF LOUISIANA, *et al.*,

Plaintiffs,

v.

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

Defendants.

Case No. 3:21-cv-03970

**DEFENDANTS' CONSENT MOTION FOR EXTENSION OF TIME
TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFFS' COMPLAINT**

Defendants filed a contested Motion to Stay Further Proceedings in this matter on January 6, 2022, ECF No. 40, and filed an unopposed Motion for an Extension of Time to Answer or Otherwise Respond to Plaintiffs' Complaint on January 11, 2022, ECF No. 42. The Court granted Defendants' extension motion by stating that, in the event the Court denied Defendants' stay motion, Defendants were permitted to file an answer or otherwise respond to Plaintiffs' Complaint by February 8, 2022. ECF No. 43. On January 18, 2022, the Court denied Defendants' stay motion. ECF No. 46. Accordingly, Defendants' current deadline for filing an answer or otherwise responding to Plaintiffs' Complaint under Fed. R. Civ. P. 12 is February 8, 2022.

Defendants respectfully move pursuant to LR 7.4 (and 7.4.1) for an extension of time of twenty-one (21) days from the current deadline of February 8, 2022, to file an answer or otherwise respond to Plaintiffs' Complaint under Fed. R. Civ. P. 12. Defendants' counsel have a number of other impending litigation deadlines, including (a) the presentation of oral argument in *Texas Medical Association v. Department of Health and Human Services*, No. 21-425 (E.D. Tex.), on February 4, 2022; (b) the filing of a response to the complaint in *Easter v. Department of Health and Human Services*, No. 21-2681 (D.D.C.), on February 10, 2022; (c) the presentation of oral argument in *Amalgamated Transit*

Union v. Department of Labor, No. 20-953 (E.D. Cal.), on February 11, 2022; and (d)) the filing of a reply brief in support of a summary judgment motion in *Association of Air Medical Services v. Department of Health and Human Services*, No. 21-3031 (D.D.C.), on February 18, 2022. Defendants accordingly need the additional time to adequately answer or otherwise respond to Plaintiffs' Complaint. Undersigned counsel has conferred with counsel for Plaintiffs, who consent to this Motion.

For these reasons, and for good cause shown, Defendants respectfully request that the Court extend Defendants' deadline to answer or otherwise respond to Plaintiffs' Complaint until March 1, 2022.

A proposed order is attached.

Dated: February 1, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

MICHELLE BENNETT
Assistant Director, Federal Programs Branch

/s/ Joel McElvain
JOEL McELVAIN
Bar No. 448431(DC)
Senior Trial Counsel

JULIE STRAUS HARRIS
Bar No. 1021298(DC)
Senior Trial Counsel

JONATHAN D. KOSSAK
Bar No. 991478(DC)
Trial Attorney

MICHAEL L. DREZNER
Bar No. 83836(VA)
Trial Attorney

U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20530
Tel: (202) 616-8298

Fax: (202) 616-8470
Email: Joel.L.McElvain@usdoj.gov

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

STATE OF LOUISIANA, *et al.*,

Plaintiffs,

v.

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

Defendants.

Case No. 3:21-cv-03970

[PROPOSED] ORDER

Upon consideration of Defendants' Motion for an Extension of Time to Answer or Otherwise Respond to Plaintiffs' Complaint, IT IS HEREBY ORDERED that the Motion is GRANTED. It is ORDERED that Defendants shall file an answer or otherwise respond to Plaintiffs' Complaint no later than March 1, 2022.

DATE: _____

HON. TERRY A. DOUGHTY
UNITED STATES DISTRICT JUDGE