

04/08/2022

SCHEDULING ORDER: The Court has received the parties' letters [27](#) [28](#). The defendants' request to waive the pre-motion conference requirement in anticipation of a motion to dismiss is granted.

The parties state that one or more non-parties will seek to participate in this action as *amici curiae*, but do not identify them. "District Courts have broad discretion in deciding whether to accept *amicus* briefs." *Jamaica Hosp. Med. Ctr., Inc. v. United Health Grp., Inc.*, 584 F. Supp. 2d 489, 497 (E.D.N.Y. 2008) (citation omitted). "Additionally, the circumstances under which an *amicus* brief is considered 'desirable' are limited[.]" *Id.* The parties have not shown that those circumstances are present here.

The revised briefing schedule does not include *amicus* briefing, but accommodated the defendants' anticipated motion to dismiss. The defendants' memorandum in opposition to the plaintiffs' motion for a preliminary injunction and in support of their motion to dismiss is due by April 26, 2022 and must not exceed 40 pages. The plaintiffs' memorandum in opposition to the defendants' motion to dismiss and reply in support of their motion for a preliminary injunction is due by May 24, 2022 and must not exceed 40 pages. The defendants' reply in support of their motion to dismiss is due by May 31, 2022 and must not exceed 10 pages. A hearing on the plaintiffs' motion for a preliminary injunction and the defendants' motion to dismiss is scheduled for June 7, 2022 at 10:00 a.m. in Courtroom 4G North. Ordered by Judge Ann M. Donnelly on 4/8/2022. (Mathew, Joshua) (Entered: 04/08/2022)