

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
LONDON

CIVIL ACTION NO. 6:22-CV-00095-REW-EBA

PHI HEALTH, LLC, *et al.*,

PLAINTIFFS,

V.

ORDER

U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES, *et al.*,

DEFENDANTS.

*** **

Plaintiffs PHI Health, LLC and EMpact Midwest, LLC. (“Plaintiffs”) move for a 90-day extension of time to file an amended Complaint. As cause for the extension, Plaintiffs advise the Court that some of the issues being litigated in this matter are being litigated in other forums. *See Texas Medical Association v. U.S. Dep’t of Health and Hum. Servs. et al.*, Case No. 6:22-cv-00450-JDK (E.D. Tex.); *LifeNet, Inc. et al. v. U.S. Dep’t of Health and Hum. Servs. et al.*, Case No. 6:22-cv-00453-JDK (E.D. Tex); *Ass’n of Air Med. Servs. v. U. S. Dep’t of Health and Hum. Servs., et al.*, Case No. 21-cv-3031-RJL (D.D.C.); *Texas Medical Association v. U.S. Dep’t of Health and Hum. Servs. et al.*, Case No. 6:22-cv-00372-JDK (E.D. Tex.). Plaintiffs state that a 90-day extension will allow some issues to resolve an enable it to tailor their amended complaint. Further, Defendants do not object to the extension, provided they are allowed 60 days to file a responsive pleading. Having considered the motion, and the Court being otherwise sufficiently advised,

IT IS ORDERED that:

1. Plaintiffs’ Motion for Extension of Time [R. 38] is GRANTED;

2. On or before June 27, 2023, Plaintiffs shall file a motion for leave to amend their Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2);¹
3. Within 60 days of entry of the Plaintiffs' amended complaint, Defendants shall answer or otherwise respond to the pleading.

Signed March 28, 2023.



Signed By:

Edward B. Atkins *EBA*

United States Magistrate Judge

¹ When a party seeks to amend a pleading more than 21 days after service, the party may only amend the pleading (1) "with the opposing party's written consent" or (2) "the court's leave." Fed. R. Civ. P. 15(a)(2). While the Plaintiffs have indicated that Defendants consent to an extension of time, there is no indication that the Defendants consent to an amendment. Thus, under Rule 15, Plaintiffs must either obtain (and provide the Court) Defendants' written consent or move the Court for leave to amend the complaint. *Id.*