

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

THE AMERICAN HOSPITAL ASSOCIATION,)
ASSOCIATION OF AMERICAN MEDICAL)
COLLEGES, THE FEDERATION OF)
AMERICAN HOSPITALS, NATIONAL)
ASSOCIATION OF CHILDREN’S)
HOSPITALS, INC., MEMORIAL COMMUNITY)
HOSPITAL AND HEALTH SYSTEM,)
PROVIDENCE HEALTH SYSTEM -)
SOUTHERN CALIFORNIA d/b/a)
PROVIDENCE HOLY CROSS MEDICAL)
CENTER, and BOTHWELL REGIONAL)
HEALTH CENTER,)

Plaintiffs,

v.

ALEX M. AZAR II,)
in his official capacity as SECRETARY OF)
HEALTH AND HUMAN SERVICES,)

Defendant.

Civil Action No. 1:19-cv-3619-CJN

**CONSENT MOTION FOR EXTENSION OF TIME FOR DEFENDANT TO FILE HIS
SUMMARY JUDGMENT REPLY BRIEF**

Defendant respectfully moves the Court to extend the deadline to file his Reply in Support of his Cross-Motion for Summary Judgment (“reply brief”) to **March 24, 2020**. In support of the motion, Defendant states as follows:

1. Defendant’s reply brief currently is due March 10, 2020. *See* Order at 1, ECF No. 18. That deadline, however, was set before Plaintiffs requested (and received) a 10-day extension for their opposition and reply brief. *See* Pls.’ Consent Mot. for Extension, ECF No. 22; Minute Order, Feb. 14, 2020.

2. Defendant seeks to extend the deadline for filing his reply brief to **March 24, 2020**. That would amount to an extension of four days beyond the 21 days provided for in the Court's scheduling order. *See* Order at 1, ECF No. 18.

3. Defendant requests this brief extension to ensure adequate time to address the two amicus briefs recently filed in support of Plaintiffs, *see* Minute Orders, March 2, 2020, as those briefs were not contemplated at the time the parties proposed the scheduling order for this case.

4. This is Defendant's first request for an extension of his reply brief deadline. The only other extension Defendant has requested in this case was in conjunction with the parties' joint scheduling proposal. *See* Joint Mot. for Briefing Schedule, ECF No. 15

5. Pursuant to Local Rule 7(m), undersigned counsel conferred with Plaintiffs' counsel via email on March 4, 2020. Plaintiffs have indicated that they consent to the requested extension.

6. A proposed order is attached to this motion.

Dated: March 4, 2020

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

TIMOTHY J. SHEA
United States Attorney

DAVID M. MORRELL
Deputy Assistant Attorney General

ERIC B. BECKENHAUER
Assistant Branch Director

/s/ Michael H. Baer
MICHAEL H. BAER (New York 5384300)
Trial Attorney, U. S. Dept. of Justice

Civil Division, Federal Programs Branch
1100 L St., NW
Washington, D.C. 20530
Telephone: (202) 305-8573
Michael.H.Baer@usdoj.gov

Counsel for Defendant