

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff-Appellant,

v.

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES; ALEX M. AZAR, II, IN
HIS OFFICIAL CAPACITY AS SECRETARY
OF HEALTH AND HUMAN SERVICES; U.S.
DEPARTMENT OF THE TREASURY;
STEVEN T. MNUCHIN, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF THE
TREASURY; U.S. DEPARTMENT OF LABOR;
R. ALEXANDER ACOSTA, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF LABOR,

Defendants-Appellees.

No. 18-1514

**PLAINTIFF-APPELLANT'S ASSENTED-TO MOTION
TO EXTEND TIME FOR FILING BRIEF AND APPENDIX**

Pursuant to Fed. R. App. P. 26(b), the appellant, the Commonwealth of Massachusetts, respectfully moves for a 33-day extension of time, until September 17, 2018, to file its brief and appendix in this matter. As grounds for this Motion, the Commonwealth states as follows:

1. The Commonwealth in this case challenges two interim final rules—“Religious Exemptions and Accommodations for Coverage of Certain Preventative Services Under the Affordable Care Act,” *see* 82 Fed. Reg. 47792 (Oct. 6, 2017),

and “Moral Exemptions and Accommodations for Coverage of Certain Preventative Services Under the Affordable Care Act,” *see* 82 Fed. Reg. 47838 (Oct. 6, 2017)—issued by the Defendants-Appellees. On March 12, 2018, the District Court granted summary judgment in favor of the Defendants-Appellees, ruling that the Commonwealth lacked standing to challenge the interim final rules. Judgment entered on April 4, 2018, and the Commonwealth filed its notice of appeal on May 29, 2018.

2. The Commonwealth’s merits brief and appendix are currently due in this Court on August 15, 2018.

3. Undersigned counsel for the Commonwealth Julia Kobick and Jon Burke are principally responsible for the preparation of the Commonwealth’s brief. Ms. Kobick has several upcoming deadlines in other matters that compel her attention, including a hearing in the U.S. District Court for the District of Massachusetts on July 12, 2018; a merits brief in a case in the Massachusetts Appeals Court due on July 31, 2018; a reply brief in a case in this Court due on August 1, 2018; another merits brief in a case in the Massachusetts Appeals Court due on August 8, 2018; and a hearing in the Massachusetts Superior Court on September 5, 2018. She also has pre-scheduled vacations planned for August 9 – 13 and August 18 – 26, 2018.

4. Mr. Burke also has several upcoming deadlines in connection with

ongoing civil investigations and other matters that compel his attention, including statutory filing deadlines in the Massachusetts Superior Court on July 31, 2018 and September 7, 2018. He has pre-scheduled vacations planned for July 28 – August 12 and August 18 – 26, 2018.

5. On July 10, 2018, the Defendants-Appellees expressed their assent to this Motion.

6. The Commonwealth thus requests that the time for it to file its brief and appendix be extended 33 days, to September 17, 2018.

Respectfully submitted,

COMMONWEALTH OF
MASSACHUSETTS,

By its attorney,

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ATTORNEY GENERAL

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Dated: July 11, 2018

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2018 the foregoing motion will be filed and served electronically through the CM/ECF system on the following counsel, who are registered as ECF filers:

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July 11, 2018