

*Appeal No. 24-3770*

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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OREGON ASSOCIATION OF HOSPITALS AND HEALTH SYSTEMS,

*Appellant,*

v.

STATE OF OREGON, and DR. SEJAL HATHI, in her official capacity as  
Director of Oregon Health Authority,

*Appellees.*

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On Appeal from the United States District Court  
for the District of Oregon  
The Honorable Michael H. Simon  
Case No. 3:22-cv-01486-SI

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**APPELLANT’S SECOND UNOPPOSED MOTION FOR EXTENSION OF  
TIME TO FILE OPENING BRIEF**

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*Attorneys for Appellant Oregon Association  
of Hospitals and Health Systems*

Appellant Oregon Association of Hospitals and Health Systems (OAHHS) requests an eight-day extension, until November 20, 2024, to file its opening brief and excerpts of record.

The opening brief was first due on September 10, 2024. Dkt. 2. The deadline was then extended to October 10, 2024, by a streamlined request for extension. On October 3, 2024, OAHHS filed an unopposed motion for an additional 30-day extension, which the Court granted on October 8, 2024.

The present motion seeks to extend the deadline for OAHHS's opening brief and excerpts of record an additional eight days, to November 20, 2024. The undersigned has been diligently drafting the appellant's brief; however, in light of other significant professional commitments over the last month, additional time is required to complete the appellant's brief and prepare the excerpts of record. Opposing counsel represent that the State of Oregon and Dr. Sejal Hathi do not oppose the requested extension.

This motion is supported by the attached declaration of counsel.

DATED: November 5, 2024

Respectfully submitted,

STOEL RIVES LLP

*s/ Brad S Daniels*

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**DECLARATION OF BRAD S. DANIELS**

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I, Brad S. Daniels, declare as follows:

1. I am counsel of record for appellant Oregon Association of Hospitals and Health Systems (OAHHS).

2. OAHHS's opening brief is currently due on November 12, 2024.

3. OAHHS's opening brief was first due on September 10, 2024. This deadline was extended to October 10, 2024, after appellee received a 30-day streamlined extension.

4. On October 3, 2024, OAHHS filed an unopposed motion for a 30-day extension in which to file its opening brief, until November 12, 2024. This Court granted OAHHS's unopposed motion on October 8, 2024.

5. OAHHS now requests an additional 8-day extension, until November 20, 2024, to file its answering brief and excerpt of record.

6. I have been diligently drafting the appellant's brief. Over the last month, however, I have had a number of other significant professional commitments to attend to, including unanticipated supplemental briefing in the Oregon Supreme Court, continuing proceedings involving the largest pending class action in Oregon (with nine jury trials scheduled beginning in early 2025), two mediations, and two briefs in the Oregon Court of Appeals.

7. Thus, despite diligent efforts, additional time is required to complete the appellant's brief and prepare the excerpts of record.

8. I have conferred with counsel for the State of Oregon and Dr. Sejal Hathi, who indicated that the appellees do not oppose the requested extension of time.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Portland, Oregon, on November 5, 2024.

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*s/ Brad S. Daniels*

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