

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE ERISA INDUSTRY COMMITTEE,

Plaintiff,

v.

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

Defendants.

Civil Action No. 25-0136 (TJK)

**DEFENDANTS' MOTION FOR EXTENSION
OF TIME TO RESPOND TO COMPLAINT**

By and through undersigned counsel, Defendants, U.S. Department of Health and Human Services, U.S. Department of Treasury, and U.S. Department of Labor (“Labor Department”), respectfully move to extend the deadline by ninety days, until June 26, 2025, to respond to the Complaint (ECF No. 1). Among other reasons, Defendants need this additional time to confer with new leadership at the Labor Department about how to proceed with the rule being challenged in this case brought under the Administrative Procedure Act (“APA”). The grounds for this Motion are set forth below:

1. Plaintiff brings this APA action challenging a rule promulgated by Defendants on September 9, 2024, regarding the requirements for health plans that cover diagnosis and treatment for mental health and substance abuse disorders. Compl. ¶¶ 1, 3, ECF No. 1.

2. Plaintiff served the U.S. Attorney’s Office on or about January 27, 2025. Thus, Defendants’ deadline to respond to the Complaint is March 28, 2025.

3. There is good cause supporting Defendants’ extension request. Due to the recent change in administration on January 20, 2025, the Department of Labor, which had primary

responsibility for the challenged rule, is now under new leadership. The Secretary of Labor was only confirmed on March 10, 2025, and the Deputy Secretary was only confirmed on March 12, 2025. As a result, new agency officials are still in the process of onboarding and familiarizing themselves with all the issues presented by this pending litigation. As a result, Defendants need the additional time to allow new Labor Department officials to onboard and sufficient time to become familiar with the issues in this case and determine how they wish to proceed regarding the challenged rule, and accordingly this litigation. Once the Labor Department has been able to brief and confer with new leadership about the rule at issue in this litigation, additional time will be needed for the undersigned counsel to confer with the Labor Department and the other agencies involved in this litigation to prepare any responsive pleading. The undersigned counsel has a demanding litigation caseload of approximately sixty-six cases, with numerous court and litigation deadlines in the coming months. As a result, the undersigned will need sufficient time to confer with the agencies about any responsive pleading before filing. These deadlines include multiple responsive briefings in several matters, fact discovery in the coming months, multiple Joint Status Reports, and pleadings in recently assigned cases. Additional time is also necessary for the undersigned to research the issues and arguments raised by Plaintiff and prepare an appropriate response.

4. Pursuant to Local Rule 7(m), Defendants conferred with Plaintiff about this motion. Counsel for Plaintiff indicated that they oppose the relief requested herein.

5. For these reasons, Defendants respectfully request that the Court grant this motion and extend Defendants' deadline to respond to Plaintiff's Complaint until June 26, 2025.

Dated: March 21, 2025
Washington, DC

Respectfully submitted,

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