

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

COMMONWEALTH OF
MASSACHUSETTS, et al.,

Plaintiffs-Appellees,

v.

NATIONAL INSTITUTES OF
HEALTH, et al.,

Defendants-Appellants.

ASSOCIATION OF AMERICAN
MEDICAL COLLEGES, et al.

Plaintiffs-Appellees,

v.

NATIONAL INSTITUTES OF
HEALTH, et al.,

Defendants-Appellants.

ASSOCIATION OF AMERICAN
UNIVERSITIES, et al.,

Plaintiffs-Appellees,

v.

DEPARTMENT OF HEALTH AND
HUMAN SERVICES, et al.,

Defendants-Appellants.

CIVIL ACTION

Nos. 25-1343, 25-1344, 25-1345

**PLAINTIFFS-APPELLEES’
MOTION TO ENLARGE TIME FOR FILING THEIR PRINCIPAL BRIEFS**

Pursuant to First Circuit Rule 27, Plaintiffs-Appellees in these three appeals respectfully request that this Court extend the deadline for the Plaintiffs-Appellees' principal briefs by one week to June 16, 2025. As grounds for this motion, Plaintiffs-Appellees state as follows:

1. These appeals arise from a final judgment of the District Court, ordering vacatur of a notice issued by the National Institutes of Health ("NIH") on February 7, 2025 ("Supplemental Guidance to the 2024 NIH Grants Policy Statement: Indirect Cost Rates Notice Number: NOT-OD-25-068") and permanently enjoining its implementation. The appeals were entered in this Court on April 9, 2025.

2. On April 21, 2025, Defendants-Appellants filed an assented-to motion to expedite briefing and oral argument in each appeal.

3. On April 23, 2025, the First Circuit ordered a briefing schedule in each appeal as follows: Defendants-Appellants' principal brief and appendix to be filed by May 9, 2025; Plaintiffs-Appellees' principal briefs to be filed by June 9, 2025; and any reply brief to be filed by July 1, 2025.

4. These appeals involve three separate lawsuits brought by three groups of plaintiffs, raising numerous challenges to NIH's agency action under the Administrative Procedure Act ("APA"). The briefing on these numerous, complex

issues of administrative law requires multiple levels of review, which Plaintiffs-Appellees are working expeditiously to complete.

5. Allowing an additional week for the Plaintiffs-Appellees' principal briefs will allow the three plaintiff groups—one of which consists of 22 individual states—sufficient time to conduct their review of and briefing on these issues, and will allow full airing of the issues now on appeal.

6. Upon information and belief, allowance of this motion will not prejudice the parties in this case.

7. Defendants-Appellants oppose the requested extension and intend to file a short response.

WHEREFORE, the Plaintiffs-Appellees respectfully request that this Court extend the deadline for their brief by seven days to June 16, 2025.

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CERTIFICATE OF SERVICE

I, Katherine B. Dirks, hereby confirm that on June 3, 2025, I served a copy of the foregoing document on all parties and counsel of record through this Court's electronic filing system.

/s/ Katherine B. Dirks
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