

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

COMMONWEALTH OF
MASSACHUSETTS, *et al.*,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., *et al.*,

Defendants.

No. 1:25-cv-10814-WGY

**PLAINTIFFS' OPPOSITION TO DEFENDANTS'
MOTION TO SET AN EXPEDITED RESPONSE DEADLINE**

The court should deny defendants' request to expedite plaintiffs' response deadline. Under the schedule adopted at the June 3 status conference, defendants had until today, June 20, to file their motion to dismiss Phase Two of the case; plaintiffs now have 10 days to oppose that motion. *See* ECF No. 113, at 4; ECF No. 119. Notably, *defendants themselves* proposed plaintiffs' 10-day response window. *See* ECF No. 113, at 4 (proposing the 10-day deadline); ECF No. 121, at 14–18 (adopting a modified version of defendants' proposed schedule). Defendants identify no good reason to shorten that response time by several days. Defendants argue that, under the existing schedule, they “will need to produce the administrative record shortly after Plaintiffs[] respond to their motion to dismiss.” ECF No. 148, at 2. Not so: plaintiffs' current opposition deadline, June 30, is more than a week before the July 9 deadline for defendants to produce the Phase Two record. That schedule leaves more than enough time for the Court to act before July 9.

The Court should also deny defendants' request because of defendants' prejudicial delay in raising it. Defendants could have sought this scheduling modification (1) at the June 3 status conference, when the Court adopted the current schedule, (2) in subsequent Court appearances on

June 12, 16, or 18, or (3) during multiple conferences with plaintiffs' counsel over the past month. They chose not to. Instead, defendants' counsel broached this issue for the first time in an email to plaintiffs' counsel at 12:36 p.m. today—the day their motion is due. The prejudice that would result from granting defendants' untimely request provides yet another reason to deny it.

For either or both of these reasons, the Court should adhere to the June 30 deadline.

June 20, 2025

Respectfully submitted.

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