

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

COMMONWEALTH OF
MASSACHUSETTS, *et al.*,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of Health and Human
Services, *et al.*,

Defendants.

No. 1:25-cv-10814-BEM

UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO FILE, *NUNC PRO TUNC*

Defendants respectfully move the Court to grant an extension *nunc pro tunc* accepting their Opposition to Plaintiffs' Motions for a Preliminary Injunction filed May 1, 2025 at 7:26 am. Plaintiffs do not oppose this motion.

Good cause exists for this request. Simultaneous with plaintiffs' withdraw of their Motion for a Temporary Restraining Order, plaintiffs moved for a proposed agreed scheduling order that proposed April 14, 2025 as plaintiffs' deadline to move for a preliminary injunction and proposed April 30, 2025 for defendants to oppose. Doc No. 58. Understanding that the briefs would take substantial time and effort to draft, Plaintiffs requested 40 pages for the motion and for the opposition, and requested that all parties be allowed to file overnight (by 11:59pm) rather than the Court's typical 6:00pm deadline for timely filing. The Court granted the motion on April 8, 2025. Doc No. 59.

Defendants completed their opposition with time to file before 11:59 pm on April 30, 2025 and made repeated efforts to do so from multiple devices and multiple cities. Neither counsel in Washington, DC nor counsel in Boston, Massachusetts were able to access CM/ECF

for the District of Massachusetts. Attempts timed out and returned an error message. As midnight approached, defendants emailed the opposition and attachment to counsel for plaintiffs using an email chain that the parties had previously used to confer. Counsel sent that email at 12:02 am on May 1, 2025. In the morning, counsel was able to access CM/ECF for the District of Massachusetts and filed without issue. *See* Doc No. 95.

Accordingly, Defendants respectfully request they be granted an extension *nunc pro tunc* to file at 7:26 am on May 1, 2025. No party will be prejudiced by this motion. Plaintiffs do not oppose.

Respectfully submitted,

YAAKOV M. ROTH
Acting Assistant Attorney General

LEAH B. FOLEY
United States Attorney

KIRK T. MANHARDT
Director

MICHAEL QUINN
Senior Litigation Counsel

Dated: May 1, 2025

/s/ Thomas Ports
Assistant Director
THOMAS PORTS (Va. Bar No. 84321)
Trial Attorney
U.S. Department of Justice
Civil Division
Corporate/Financial Section
P.O. Box 875
Ben Franklin Stations
Washington D.C. 20044-0875
Tel: (202) 307-1105
Email: thomas.ports@usdoj.gov
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: May 1, 2025

/s/ Thomas Ports
Thomas Ports