

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

ABBVIE INC.,

Plaintiff,

v.

ROBERT F. KENNEDY JR., in his official
capacity, et al.,

Defendants.

Civil Action No. 26-cv-1190-RDM

PLAINTIFF’S MOTION FOR AN EXTENSION OF TIME

Pursuant to Local Rule 7 and this Court’s Standing Order, Plaintiff AbbVie Inc. (AbbVie), by and through undersigned counsel, respectfully moves this Court for a four-week extension, up to and including August 4, 2026, to respond to Proposed Intervenor’s Motion to Intervene.

There is good cause to grant this motion. In support of this motion, AbbVie states as follows:

1. AbbVie initiated this civil action on April 8, 2026. *See* Compl., ECF No. 1. After a four-day extension of time to answer, Defendants filed a motion to dismiss on June 16. *See* ECF No. 13. On June 22, this Court granted AbbVie’s unopposed motion for an extension of time to respond to the motion to dismiss. *See* Order (June 22, 2026). AbbVie’s response to Defendant’s motion to dismiss is due July 28.

2. On June 23, 2026, 340B Health, UMass Memorial Medical Center, and Genesis HealthCare System (collectively, “Proposed Intervenor”) moved to intervene as defendants in this action. *See* ECF No. 19. Importantly, Proposed Intervenor have expressly limited the scope of their proposed intervention to the merits: They state that they “will not address the jurisdictional

issues” raised in Defendants’ pending motion to dismiss and that they only intend to address “the merits of this action once the merits are raised by either party.” *Id.* at 14. Proposed Intervenor further represent that their “intervention will not delay this case or prejudice the parties.” *Id.* at 2. The merits are not currently at issue; the case is in the midst of jurisdictional briefing on Defendants’ motion to dismiss. Proposed Intervenor did not attach a proposed answer or responsive pleading to their motion, as required under Federal Rule of Civil Procedure 24(c), and instead asked to be excused from that requirement.

3. Absent an extension, AbbVie’s opposition to the motion to intervene is due July 7, 2026.

4. Good cause exists for the requested extension. Most significantly, there is no urgency that would justify denying this request. As Proposed Intervenor themselves acknowledge, their proposed intervention is limited solely to the merits of this action—to address issues that are not currently being briefed and that will not be ripe until after the pending motion to dismiss has been resolved. *See* ECF No. 19 at 2, 14. Until the Court resolves that non-merits motion, Proposed Intervenor concede they have no role to play. Granting AbbVie this extension of time to respond to the motion to intervene will not affect the motion-to-dismiss briefing schedule; will not delay the case’s merits phase; and, given their representations, will not cause prejudice to Proposed Intervenor.

5. In addition, undersigned counsel has a number of competing personal and professional commitments in the next several weeks, including the opposition to Defendants’ motion to dismiss in this case on July 28, 2026. Undersigned counsel also has numerous proximate, pre-existing deadlines in other matters, including but not limited to: an opening brief due on June 25 in *United States v. EES Coke Battery*, No. 26-1276 (6th Cir.); a motion to seal due on June 26

and a reply brief due on June 29 in *Mathews International Corp. v. Tesla*, No. 25-6918 (9th Cir.); a joint appendix due on June 30 in *Genentech, Inc. v. Kennedy*, No. 25-cv-290 (D.D.C.); a joint appendix due on June 30 in *Amgen Inc. v. Kennedy*, No. 24-cv-3571 (D.D.C.); a response brief due on July 7 in *Arruda v. Altria Group, Inc.*, No. B347868 (Ct. App. Cal.); a supplemental brief due on July 9 in *Bennett v. Providence Health & Servs.*, No. 104937-4 (S. Ct. Wash.); a motion for summary judgment due on July 10 in *AstraZeneca v. Bailey*, No. 24-cv-4143 (W.D. Mo.); a combined summary judgment opposition and reply due on July 13 in *AstraZeneca v. Rayfield*, No. 25-cv-2042 (D. Or.); and en banc briefing due on July 20 in *Fulton v. Fulton County Board of Commissioners*, No. 22-12041 (11th Cir.). In addition, counsel's law firm is closed in observance of the Fourth of July holiday, and counsel has preplanned family travel for the holiday.

6. Pursuant to Local Rule 7(m), counsel for Plaintiff conferred with counsel for Proposed Intervenors, who stated that they oppose this request.

A proposed order is filed with this motion.

Dated: June 25, 2026

Respectfully submitted,

s/ Allon Kedem

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CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2026, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

s/ Allon Kedem

Allon Kedem

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[PROPOSED] ORDER

Upon consideration of the Plaintiff's Motion for Extension of Time to Respond to the Motion to Intervene, it is hereby ORDERED that the motion is GRANTED.

IT IS FURTHER ORDERED that the Plaintiff shall have until August 4, 2026, to respond to the Motion to Intervene.

SO ORDERED this _____ day of June _____, 2026.

Randolph D. Moss
United States District Court Judge