

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

ABBVIE INC.,

Plaintiff,

v.

ROBERT F. KENNEDY JR., et al.,

Defendants,

Civil Action No. 26-cv-1190

**PLAINTIFF ABBVIE INC.’S OPPOSITION TO PROPOSED INTERVENORS’
MOTION FOR AN EXTENSION OF TIME TO FILE REPLY**

Proposed Intervenor National Association of Community Health Centers, Inc. and Ryan White Clinics for 340B Access (collectively, “Proposed Intervenor”) filed an untimely, contested motion to intervene in this case. That motion ignored the requirement of this Court’s local rules and the Federal Rules of Civil Procedure that a proposed intervenor must attach a pleading to the motion to intervene. Instead, Proposed Intervenor made the unusual request that they be allowed to file a reply brief in support of *Defendants’* motion to dismiss, asserting that their intervention in the middle of briefing would not prejudice any party or delay the proceedings. Proposed Intervenor now ask for a thirty-day extension of time to file a reply brief in support of *Defendants’* motion to dismiss. This extraordinary request should be denied for at least three reasons.

First, Proposed Intervenor are not parties to this action and have no grounds upon which to file a reply brief in support of other parties’ motion to dismiss. Plaintiff AbbVie Inc. (AbbVie) opposed Proposed Intervenor’s motion to intervene and that motion remains pending. Proposed Intervenor’s instant request is inappropriate and premature.

Second, Proposed Intervenor’s request would result in unfairness and delay resolution of the motion to dismiss. They note that Defendants plan to seek an extension of the deadline to file their reply brief until August 27, 2026. Allowing Proposed Intervenor to file a week later would cause two problems. First, it will delay the completion of motion to dismiss briefing, pushing back the resolution of this dispositive motion. Second, it will give a second bite at the apple of replying to AbbVie’s opposition and defending the motion to dismiss. Proposed Intervenor will be able to review Defendants’ reply and have an additional week to expand on and supplement those arguments. Proposed Intervenor will be able to forgo arguments made by Defendants in support of the singular motion to dismiss and make *additional* arguments in support of Defendants’ motion—perhaps arguments Defendants could not make due to word limitations.

Third, Proposed Intervenor state they should be granted an extension to “avoid duplicating the arguments Defendants set forth in their reply brief,” Mot. 3, a position that only underscores the impropriety of their intervention request. Their motion to intervene was premised on the claim that Defendants supposedly do not adequately represent their interests in this litigation, including at the motion to dismiss stage. As AbbVie noted in its opposition to the intervention motion, a prospective intervenor is adequately represented by an existing party when the intervenor would make the same arguments in support of the same result as the existing party. If Proposed Intervenor’s interests are not adequately represented by Defendants, there would be no need to “avoid duplicating the arguments Defendants set forth” because Proposed Intervenor would be entering this litigation to make arguments unique from those of Defendants.

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Proposed Intervenor’s request for an extension of time to file a reply brief in support of Defendants’ motion to dismiss should be denied as premature because the Court has not yet granted their motion to intervene. But if the Court permits Proposed Intervenor to file a reply brief in

support of the motion to dismiss, at minimum it should align the deadline to file that brief with Defendants' deadline for filing a reply brief.

Dated: July 31, 2026

Respectfully submitted,

/s/ Allon Kedem

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CERTIFICATE OF SERVICE

In accordance with LCvR 5.3, undersigned counsel hereby certifies that the above document was filed via the Court's electronic filing system.

Dated: July 31, 2026

By: /s/ Allon Kedem
Allon Kedem

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capacity, et al.,

Defendants.

Civil Action No. 26-cv-1190-RDM

[PROPOSED] ORDER

Upon consideration of the Joint Motion of Proposed Intervenor National Association of Community Health Centers, Inc. and Ryan White Clinics for 340B Access for an Extension of Time to File Reply in Support of Motion to Dismiss, it is hereby ORDERED that the motion is DENIED. Proposed Intervenor are not parties to this suit and may not file a reply in support of Defendants' motion to dismiss.

SO ORDERED this _____ day of _____, 2026.

Randolph D. Moss
United States District Court Judge