

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ASTRAZENECA PHARMACEUTICALS
LP, *et al.*,

Plaintiffs,

v.

Case No. 1:25-cv-4212-MJM

ROBERT F. KENNEDY JR., in his official
capacity as SECRETARY OF HEALTH AND
HUMAN SERVICES, *et al.*,

Defendants.

DEFENDANTS' MOTION FOR AN EXTENSION OF TIME

Defendants respectfully request an extension of the deadline for Defendants' Reply in support of their Motion To Dismiss (Or, In The Alternative, For Summary Judgment), *see* ECF No. 32, currently set for May 28, 2026, *see* ECF No. 20. Defendants request a 21-day extension of the deadline until June 18, 2026, to accommodate other significant and time-sensitive litigation deadlines that arose after the parties' prior scheduling agreement. Defendants have conferred with Plaintiffs regarding this request. Plaintiffs oppose the request for a 21-day extension (and intend to file a response), but they do not oppose a 10-day extension. Accordingly, in the alternative and at a minimum, Defendants also request an extension of their Reply deadline until June 8, 2026, which is the first Monday following 10 days from May 28, 2026. As good cause for these requests, Defendants offer the following:

Plaintiffs filed this lawsuit on December 19, 2025. *See* ECF No. 1. Plaintiffs challenge the guidance issued by the Centers for Medicare & Medicaid Services (CMS) related to the drug-pricing provisions of the Inflation Reduction Act of 2022. The current schedule was previously negotiated by the parties and entered by this Court on February 18, 2026:

- a. **February 27:** Plaintiffs' Motion for Summary Judgment
- b. **March 27:** Defendants' Combined Opposition to Plaintiffs' Motion for Summary Judgment and Motion to Dismiss (or, in the alternative, for Summary Judgment)
- c. **April 27:** Plaintiffs' Combined Opposition and Reply
- d. **May 28:** Defendants' Reply

See ECF No. 20. Thus far, all filings have been submitted per the above schedule, *see* ECF Nos. 21, 32, 35, except for Defendants' upcoming Reply, which is currently due on May 28, 2026.¹ There are no other pending deadlines in this matter.

"Good cause requires the party seeking relief [to] show that the deadlines cannot reasonably be met despite the party's diligence." *Cook v. Howard*, 484 F. App'x 805, 815 (4th Cir. 2012) (citation omitted) (modification in original). "The factors to be considered in determining whether there is good cause or excusable neglect include the danger of prejudice to the non-moving party, the length of delay and its potential impact on judicial proceedings, the reason for the delay, and whether the movant acted in good faith." *Tawwaab v. Virginia Linen Serv., Inc.*, 729 F. Supp. 2d 757, 768-69 (D. Md. 2010) (citation omitted).

Defendants respectfully submit that good cause exists for a 21-day extension of the May 28, 2026 deadline (until June 18, 2026) to accommodate Defendants' counsel's many other significant and time-sensitive litigation deadlines (several requiring air travel), most of which did not exist at the time the parties submitted their joint motion to set the above schedule. *See* ECF No. 19. For example, undersigned counsel is either the sole or the lead attorney responsible for significant briefs due on May 22 (D.D.C.), May 22 (D. Mass.), May 28 (E.D. Mo.), and May 29 (D.D.C.). That includes multiple time-sensitive matters with pending motions for a preliminary injunction for which extensions are not possible. Undersigned counsel is also solely responsible

¹ As explained in prior filings, due to a miscommunication within the Department of Justice, a slightly different schedule was originally entered after an agreement between Plaintiffs' counsel and the U.S. Attorney's Office for the District of Maryland. *See* ECF Nos. 17-19.

for presenting argument at an upcoming preliminary-injunction hearing in the District of Massachusetts on June 2, 2026. Most of these deadlines did not exist at the time of the parties' scheduling agreement.

This extension will not unduly delay the proceedings in this matter, which are already streamlined per the parties' agreement to proceed with combined filings as outlined above. A modest 21-extension of the final-scheduled filing in this matter will not unduly delay the Court's resolution of the parties' motions nor impact any other deadline. Moreover, Defendants have acted diligently and in good faith thus far by timely filing their opening brief on March 27, 2026, *see* ECF No. 32; conferring with Plaintiffs regarding the at-issue request for an extension; and moving for the requested extension in a timely manner.

For their part, Plaintiffs do not object to Defendants' alternative request for 10-day extension, but do oppose Defendants' request for a 21-day extension. Defendants maintain that Plaintiffs will not be prejudiced by an additional 11 days, so the Court should grant the full 21-day extension. To begin with, because Defendants' Reply is a final filing in the streamlined briefing schedule, an extension of this deadline will not prejudice Plaintiffs by truncating any upcoming response time. Nor can Plaintiffs argue that they are in urgent need of relief such that an additional 11 days will cause them meaningful prejudice. After all, Plaintiffs did not request emergency relief through, for instance, a motion for a preliminary injunction. Besides, this is Plaintiffs' *second* lawsuit challenging the Drug Price Negotiation Program and CMS's implementing guidance. Plaintiffs' first lawsuit was filed almost three years ago, in August of 2023, and has already been litigated to final judgment. *See AstraZeneca Pharms. LP v. Becerra*, 23-cv-00931, ECF No. 1 (D. Del. Aug. 25, 2023). There, the Third Circuit upheld the district court's judgment in the Government's favor over a year ago. *See AstraZeneca Pharms. LP v. HHS*, 137 F.4th 116, 119 (3d Cir. 2025). And just this week, Plaintiffs' petition for a writ of certiorari was denied by the Supreme Court, with no noted dissent. *See AstraZeneca v. Kennedy*, No. 25-348, 2026 WL 1377100 (U.S. May 18, 2026). Almost three years into AstraZeneca's efforts to challenge this program through litigation, an additional 11 days cannot cause any meaningful prejudice.

In sum, because Defendants have acted diligently and shown good cause for a modest 21-day extension of the Reply deadline, and Plaintiffs will not be prejudiced by the extension, Defendants respectfully request that the Court grant a 21-day extension of Defendants' Reply deadline. In the alternative, at a minimum, Defendants request an (unopposed) 10-day extension.

A proposed order is attached.

Date: May 20, 2026

Respectfully submitted,

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[PROPOSED] ORDER

Upon consideration of Defendants' motion for an extension of time, the entire record herein, and for good cause shown, it is hereby

ORDERED that the motion is **GRANTED**; it is further

ORDERED that Defendants' Reply in support of their Motion To Dismiss (Or, In The Alternative, For Summary Judgment), *see* ECF No. 32, shall be filed no later than June 18, 2026.

SO ORDERED, this ____ day of May, 2026.

Matthew J. Maddox
United States District Judge