

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

ASTRAZENECA PHARMACEUTICALS LP,
ASTRAZENECA AB, and ASTRAZENECA UK
LTD.,

Plaintiffs,

vs.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the U.S. Department of
Health and Human Services; the U.S.
DEPARTMENT OF HEALTH AND HUMAN
SERVICES; MEHMET OZ, in his official capacity
as Administrator of the Centers for Medicare and
Medicaid Services; and the CENTERS FOR
MEDICARE AND MEDICAID SERVICES,

Defendants.

Civil Action No. 25-cv-4212

PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR EXTENSION

For the reasons that follow, Plaintiffs oppose Defendants' motion for an additional 21-day extension of time to file their reply brief in support of their motion to dismiss, but Plaintiffs would not oppose an extension of 10 days. Plaintiffs also respectfully request that the Court schedule oral argument on the Parties' motions at the Court's earliest convenience. *See* Dkt. 35 at 3.

At the outset of this case, Plaintiffs advised Defendants of Plaintiffs' strong interest in resolving this matter expeditiously. Plaintiffs proposed to Defendants that, in lieu of seeking emergency relief, Plaintiffs would agree to suspend Defendants' response deadline and obligation to file the administrative record, and the Parties instead should proceed with summary judgment briefing. Defendants agreed, and the Parties jointly proposed a schedule under which briefing

would have been completed by May 1, 2026, *see* Dkt. 15, which the Court so-ordered, *see* Dkt. 16. On February 10, 2026, Defendants requested—and Plaintiffs agreed—to extend the joint briefing schedule by 27 days, making Defendants’ reply brief due on May 28, 2026. *See* Dkt. 19.

Defendants now ask for an additional 21-day extension of their already-extended reply deadline under the joint briefing schedule. Plaintiffs oppose Defendants’ request. As Plaintiffs indicated in their reply brief in support of their motion for summary judgment, time is of the essence in this case in light of impending deadlines under the Inflation Reduction Act. *See* Dkt. 35 at 3. Defendants are correct that “Plaintiffs did not request emergency relief.” Dkt. 36 at 3. But Defendants fail to mention that the Parties agreed to the original briefing schedule specifically to *avoid* Plaintiffs’ need to seek emergency relief, and Plaintiffs have already accommodated one request by Defendants to extend that joint schedule.

Finally, contrary to Defendants’ assertion, this is not “Plaintiffs’ *second* lawsuit challenging the Drug Price Negotiation Program and CMS’s implementing guidance.” Dkt. 36 at 3. Plaintiffs do not challenge the IRA’s Drug Pricing Program in this suit, and their previous suit challenged *different* CMS Guidance that the agency issued in 2023. At issue here is CMS’s Guidance for 2027, which inflicts distinct harms and which gives rise to Plaintiffs’ interest in expeditious resolution.

Notwithstanding the foregoing, Plaintiffs have consented to Defendants’ request for a further extension of 10 days for their reply brief. But Plaintiffs oppose Defendants’ request for any extension beyond that time. Plaintiffs also respectfully request that the Court schedule oral argument on the parties’ motions at the Court’s earliest convenience. *See* Dkt. 35 at 3.

Dated: May 21, 2026

Allon Kedem*
Jeffrey L. Handwerker
Catherine A. Brandon*
ARNOLD & PORTER
KAYE SCHOLER LLP
601 Massachusetts Ave., NW
Washington, DC 20001-3743
(202) 942-5000
allon.kedem@arnoldporter.com

** Pro hac vice*

Counsel for Plaintiffs

Respectfully submitted,

/s/ Michael A. Pichini

Michael A. Pichini
GOODELL, DEVRIES, LEECH & DANN, LLP
One South Street, 20th Floor
Baltimore, MD 21202
(410) 783-4000
map@gdldlaw.com

William T. Sharon*
ARNOLD & PORTER
KAYE SCHOLER LLP
250 West 55th St.,
New York, NY 10019-3743
(212) 836-8000

CERTIFICATE OF SERVICE

I hereby certify that this document will be served on Defendants in accordance with Fed.
R. Civ. P. 5(a).

/s Michael A. Pichini
Michael A. Pichini