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

HEIDI PURCELL, M.D., FACOG, *et al.*

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., *et al.*,

Defendants.

CIV. NO. 1:17-00493-
JAO-RT

**UNOPPOSED MOTION
FOR 2ND EXTENSION
OF TIME TO FILE
REPLY AND JOINT
APPENDIX AND 1ST
CONTINUANCE OF
HEARING**

Pursuant to Federal Rule of Civil Procedure 6(b), Defendants respectfully move that this Court extend Defendants' deadline to file a reply in support of their motion for summary judgment by 60 days, from March 14, 2025, to May 13, 2025. To accommodate this extension, Defendants respectfully ask this Court to extend the parties' deadline to file a joint appendix to May 27, 2025, and postpone the hearing on the cross-motions for summary judgment (currently scheduled for April 25, 2025) until a later date. Plaintiffs have informed Defendants through counsel that they take no position on this motion. Good cause exists to grant Defendants an extension, as set forth herein.

1. Under the stipulated schedule entered by this Court on July 29, 2024, Plaintiffs' deadline to file their motion for summary judgment was September 30, 2024; Defendants' deadline to file their combined cross-motion for summary judgment and opposition to Plaintiffs' motion for summary judgment was November 26, 2024; Plaintiffs' deadline for their combined reply and opposition was January 17, 2025; Defendants' deadline for their reply was February 28, 2025; and the parties' deadline for the joint appendix was March 14. ECF No. 211.

2. On September 30, 2024, the Court granted a joint motion extending Plaintiffs' deadline to move for summary judgment to October 2, 2024. ECF No. 219. Plaintiffs filed their motion for summary judgment on that date. ECF No. 221.

3. On November 25, 2024, this Court entered a stipulation extending (1) Defendants' deadline to file their combined cross-motion for summary judgment and opposition to Plaintiffs' motion for summary judgment to December 3, 2024; (2) Plaintiffs' deadline to file their combined reply and opposition to January 31, 2025; (3) Defendants' deadline to file their reply to March 14, 2025; and (4) the parties' deadline to file the joint appendix to March 28, 2025. ECF No. 225.

4. Pursuant to the revised schedule, Defendants filed their combined cross-motion for summary judgment and opposition to Plaintiffs' motion for summary judgment on December 3, 2024, ECF Nos. 226 & 228, and Plaintiffs filed their combined reply and opposition on January 31, 2025, ECF No. 230.

5. On February 6, 2025, this Court set a hearing for April 25, 2025.

6. A 60-day extension of Defendants' reply deadline and the parties' joint appendix deadline (and postponement of the hearing) is warranted to ensure that the new Administration, which took office on January 20, 2025, is able to familiarize itself with the issues in this case. The requested extension is consistent with extensions that have been granted or that are being sought in other mifepristone-related litigation. *See Missouri v. FDA*, 2:22-cv-223-Z, ECF No. 241 (N.D. Tex. Mar. 4, 2025) (formerly *Alliance for Hippocratic Medicine*) (granting defendants' motion for 60-day extension to enable new Administration to familiarize itself with issues); *Washington v. FDA*, 1:23-cv-3026-TOR, ECF. No.

175 (E.D. Wa. Dec. 23, 2024) (granting joint motion to extend plaintiffs' deadline by 60 days to enable new states attorneys general to familiarize themselves with issues and to also extend defendants' reply deadline by 60 days to May 30, 2025).

7. Defendants therefore respectfully request that the Court grant this unopposed motion for an extension of time and set the following deadlines:

- a. Defendants shall file their reply in support of their motion for summary judgment no later than May 13, 2025;
- b. The parties shall prepare, and Plaintiffs shall file, a joint appendix containing portions of the administrative record cited in the parties' briefs no later than May 27, 2025;
- c. A hearing for oral argument on the cross-motions for summary judgment on a date after May 27, 2025.

This would be the second extension of Defendants' reply deadline and the parties' joint appendix deadline, *See* ECF No. 225 (extending both deadlines by 14 days), and the first postponement of the hearing scheduled by this Court. The extension requested by Defendants would not affect word limits previously ordered by the Court.

March 6, 2025

Respectfully submitted,

/s/ Noah T. Katzen

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