

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

STATE OF MISSISSIPPI; STATE OF ALABAMA; STATE OF ARKANSAS; COMMONWEALTH OF KENTUCKY; STATE OF LOUISIANA; STATE OF MISSOURI; and STATE OF MONTANA,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity as Secretary of Health and Human Services; THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; CHIQUITA BROOKS-LASURE, in her official capacity as Administrator of the Centers for Medicare and Medicaid Services; THE CENTERS FOR MEDICARE AND MEDICAID SERVICES; THE UNITED STATES OF AMERICA,

Defendants.

Case No. 1:22-cv-113-HSO-RPM

UNOPPOSED MOTION TO EXTEND BRIEFING SCHEDULE

This Court granted the parties' joint motion to enter a summary judgment briefing schedule. Doc. 166. Under that schedule, the States filed their motion for summary judgment on October 15, and Defendants filed theirs on November 5. Docs. 167-70. The States' combined reply in support of their motion and opposition to Defendants' motion is currently due on November 26. For good cause, the States respectfully ask

the Court to move that deadline to December 20 and to set the deadline for Defendants' final brief to January 16, 2025.

The States have good cause for an extension of the briefing schedule. Their two lead attorneys have several, preexisting, competing obligations over the next month that require their attention and preparation, including:

- two appellate response briefs that cannot be further extended due November 8 (*PhRMA v. Fitch*, CA5 No. 24-60340; *Novartis v. Fitch*, 24-60342);
- reply brief for an appeal that cannot be extended due November 12 (*State of Mississippi v. JXN Water*, CA5 No. 24-60309);
- reply brief for an expedited appeal that cannot be extended due November 12 (*Alabama v. U.S. Sec'y of Educ.*, CA11 No. 24-12444);
- attending district court oral argument on November 12 (*Am. All. for Equal Rights v. Southwest Airlines*, N.D. Tex. No. 3:24-cv-1209);
- appellate opening brief that cannot be further extended due November 15 (*Students for Fair Admissions, Inc. v. Univ. of Texas*, CA5 No. 24-50631);
- appellate response brief that cannot be further extended due November 15 (*AbbVie v. Fitch*, CA5 No. 24-60375);
- caring for family member who is having a medical procedure on November 18-19;
- appellate en banc brief that cannot be extended due December 11 (*Parents Defending Educ. v. Olentangy Loc. Sch. Dist. Bd. of Educ.*, CA6 No. 23-3630);
- Supreme Court cert-stage reply brief due approximately December 13 (*Speech First, Inv. v. Whitten*, U.S. No. 24-361).

A modest extension of the briefing schedule so that the States' final brief is due on December 20 would allow counsel to adequately brief the issues and fulfill their competing obligations.

The States' asked Defendants' their position the morning of November 5. On November 6, Defendants' counsel stated that Defendants don't oppose moving the States' deadline to December 20. Defendants' counsel asked that the deadline for their final brief be set for January 16, 2025, under the revised schedule.

For all these reasons, the States respectfully ask the Court to extend the briefing schedule so that the States' final brief is due on December 20 and Defendants' final brief is due on January 16, 2025.

Dated: November 6, 2024

Respectfully submitted,

s/ Justin L. Matheny

Justin L. Matheny (MS Bar No. 100754)

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CERTIFICATE OF SERVICE

I e-filed this notice with the Court, which will email everyone requiring service.

Dated: November 6, 2024

s/ Cameron T. Norris