

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

WHOLE WOMAN'S HEALTH
ALLIANCE, *et al.*,

Plaintiffs,

v.

FOOD AND DRUG ADMIN., *et al.*,

Defendants.

Case No. 3:23-cv-00019-RSB

UNOPPOSED MOTION FOR EXTENSION OF TIME

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 18, 2025, to May 19, 2025. To accommodate this extension, Defendants respectfully ask this Court to extend the parties' deadline to file a joint appendix to June 2, 2025, and postpone the hearing on the cross-motions for summary judgment (currently scheduled for May 19, 2025) until a later date. Plaintiffs have informed Defendants through counsel that they do not oppose this motion. Good cause exists to grant Defendants an extension, as set forth herein.

1. Plaintiffs filed their motion for summary judgment on October 23, 2024. ECF No.

68.

2. Defendants filed their cross-motion for summary judgment and opposition to Plaintiffs' motion for summary judgment on December 18, 2024. ECF Nos. 70 & 71.
3. Plaintiffs filed their combined reply in support of their motion for summary judgment and opposition to Defendants' cross-motion for summary judgment on February 4, 2025. ECF No. 74.
4. Pursuant to this Court's orders of January 2 and 3, 2025, Defendants' reply is currently due on March 18, 2025; the parties' joint appendix is currently due on April 1, 2025; and oral argument is scheduled for May 19, 2025 at 10:00 AM. ECF Nos. 72 & 73.
5. 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).

6. 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 19, 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 June 2, 2025;
 - c. A hearing for oral argument on the cross-motions for summary judgment on a date after June 2, 2025.

March 6, 2025

Respectfully submitted,

/s/ Noah T. Katzen

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Certificate of Service

I certify that the foregoing was served on all counsel of record via ECF on March 6, 2025.

/s/ Noah T. Katzen
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