

August 30, 2019

The Honorable Paul A. Engelmayer
United States District Court for the Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square, Room 2201
New York, NY 10007

RE: Plaintiffs' joint unopposed letter-motion to exceed page limit in *State of New York v. U.S. Dep't of Health & Human Servs.*, 19 Civ. 4676 (PAE) (consolidated with 19 Civ. 5433 (PAE) and 19 Civ. 5435 (PAE)).

Dear Judge Engelmayer,

Pursuant to Rule 3(I) of the Court's Individual Rules and Practices, Plaintiffs file this letter-motion to seek an extension of the page limit for their opening memorandum of law in support of their forthcoming motion for preliminary injunction in this action.

Plaintiffs the State of New York, on behalf of twenty-two other states and additional local governments ("Government Plaintiffs"); Planned Parenthood Federation of America, on behalf of its member-affiliates, including Plaintiff Planned Parenthood Northern New England; National Family Planning and Reproductive Health Association ("NFPRHA"); and Public Health Solutions ("Provider Plaintiffs") (collectively, "Plaintiffs"), respectfully request an extension of the page limit for their respective memoranda of law in support of their forthcoming Cross-Motions for Summary Judgment, in opposition to Defendants' Motion to Dismiss or for Summary Judgment, and in support of their Motions for Preliminary Injunction.

In its July 16 scheduling order, *see* Dkt. 121, this Court limited Government Plaintiffs' brief to 50 pages (19 Civ. 4676) and Provider Plaintiffs' brief to 50 pages (19 Civ. 5433 and 19 Civ. 5435). Because of the number of statutory and constitutional claims for relief and the complex factual and legal context for Plaintiffs' challenges, and in order to fully respond to Intervenor's arguments,¹ Plaintiffs request the Court's leave to file an extra 15 pages, to be split between the Government Plaintiffs' and Provider Plaintiffs' briefs as needed.

Counsel for Plaintiffs have conferred with counsel for Defendants, as well as counsel for Intervenor. Counsel for Intervenor consent to this request. Defendants have represented that they agree to Plaintiffs' request, assuming Plaintiffs would likewise agree that Defendants get an

¹ In its August 2 order granting intervention, the Court noted it would be "receptive to an application for enlargement of plaintiff's page limits." Dkt. 142 at 14.

additional 15 pages for their reply brief. Plaintiffs would consent to a corresponding increase in the page limit for Defendants' reply brief.

Respectfully submitted,

/s/ Sarah Mac Dougall

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