

September 10, 2019

VIA CM/ECF

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, New York 10007

Re: Intervening Defendants' letter motion for leave to file 25-page brief, No. 1:19-cv-04676-PAE (consolidated with Nos. 1:19-cv-05433-PAE & 1:19-cv-05435-PAE)

Dear Judge Engelmayer:

Intervening Defendants Dr. Regina Frost and Christian Medical & Dental Associations (“Intervenors”) respectfully request leave to file a 25-page brief answering Plaintiffs’ cross-motions for summary judgment and replying in support of Intervenors’ motion for summary judgment. Plaintiffs consent to this request. The Government Defendants have not taken any position.

On August 2, 2019, this Court granted permissive intervention and allowed Intervenors to file a single 30-page brief moving for summary judgment and opposing Plaintiffs’ motions for a preliminary injunction. ECF No. 142 at 15. Intervenors timely filed their brief in compliance with the Court’s order on August 14, 2019. On August 30, 2019, Plaintiffs filed letter motions—with Intervenors’ consent¹—requesting additional pages for their briefs answering Defendants’ motions for summary judgment and cross-moving for summary judgment. ECF No. 175. The Court granted those motions. ECF No. 177. On September 5, 2019, Plaintiffs filed separate summary judgment briefs totaling 114 pages presenting mostly non-duplicative arguments. ECF Nos. 182 (States’ 55-page brief); 184 (private plaintiffs’ 59-page brief).

The Court’s order granting intervention allowed Intervenors to “file a reply brief in support of the motion for summary judgment, not to exceed 15 pages.” ECF No. 142 at 15.

¹ The Government Defendants also gave their consent conditioned on Plaintiffs’ agreeing to consent to the Government Defendants’ using an additional 15 pages for their reply brief. ECF. No. 175.

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However, given the length of Plaintiffs' briefs and the number of issues presented, Intervenor respectfully suggest that fifteen pages is insufficient. This Court's Individual Rules provide that "memoranda of law in support of *and in opposition to* motions are limited to 25 pages." Individual Rules in Civil Practice, Rule 3.C (emphasis added). Because Intervenor must oppose Plaintiffs' cross-motions for summary judgment, as well as reply in support of their motion for summary judgment, Intervenor would be entitled to a 25-page brief in a normal case. And the cross-motions Intervenor must answer here far exceed the normal amount of pages.

In light of these unique circumstances, Intervenor respectfully request that the Court grant Intervenor leave to file a 25-page brief answering Plaintiffs' cross-motions for summary judgment and replying in support of Intervenor's motion for summary judgment.

Sincerely,

/s/ Robert E. Dunn

Robert E. Dunn

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