

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 19-4254, 20-31, 20-32, 20-41

Caption [use short title]

Motion for: 14-day Extension of Time to File
Intervenor-Defendants-Appellants' Reply Brief

State of New York v. United States Department of
He

Set forth below precise, complete statement of relief sought:

Intervenor-defendants-appellants respectfully request
a 14-day extension of time to file their reply brief,
through and including Monday, August 31, 2020.

MOVING PARTY: Dr. Regina Frost, Christian Medical and Dental Association

OPPOSING PARTY: State of New York et al.

- Plaintiff Defendant
Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY: Allyson N. Ho

OPPOSING ATTORNEY: Diana Salgado

[name of attorney, with firm, address, phone number and e-mail]

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Court-Judge/Agency appealed from: S.D.N.Y.; Hon. Paul A. Engelmayer

Please check appropriate boxes:

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:

Has movant notified opposing counsel (required by Local Rule 27.1):

Has request for relief been made below?

Yes No (explain):

Has this relief been previously sought in this Court?

Yes No
Yes No

Opposing counsel's position on motion:

Requested return date and explanation of emergency:

Unopposed Opposed Don't Know

Does opposing counsel intend to file a response:

Yes No Don't Know

Is oral argument on motion requested?

Yes No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

Yes No If yes, enter date:

Signature of Moving Attorney:

/s/ Allyson N. Ho

Date: 08/01/2020

Service by: CM/ECF

Other [Attach proof of service]

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

STATE OF NEW YORK, et al.,

Plaintiffs-Appellees,

PLANNED PARENTHOOD  
FEDERATION OF AMERICA, INC., et al.,

Consolidated-Plaintiffs-Appellees,

v.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, et al.,

Defendants-Appellants,

DR. REGINA FROST, et al.,

Intervenor-Defendants-Appellants,

ROGER T. SEVERNIO, et al.,

Consolidated-Defendants-Appellants.

Nos. 19-4254, 20-31, 20-32,  
20-41

**UNOPPOSED MOTION FOR A FOURTEEN-DAY EXTENSION OF TIME  
TO FILE INTERVENOR-DEFENDANTS-APPELLANTS' REPLY BRIEF**

Pursuant to Fed. R. App. P. 26 & 27, and Second Cir. Local R. 27.1(f), Intervenor-Defendants-Appellants Dr. Regina Frost and the Christian Medical and Dental Association respectfully move for a fourteen-day extension of time, to and including Monday, August 31, 2020, within which to file their reply brief. The reasons for the motion are set out below. The motion is unopposed.

1. Intervenor-Defendants-Appellants filed their opening brief on April 27, 2020, within 91 days of the “ready date” of these consolidated appeals. As explained in the Government’s Motion for a fourteen-day extension of time to file its reply brief (Dkt. 300), Plaintiffs-Appellees subsequently requested 120 days in which to file their response briefs. The Court denied that request on May 27, 2020, ordering that the response briefs were due on July 27, 2020, and stating that “[t]here shall be absolutely no further extensions.” Plaintiffs-Appellees timely filed their response briefs on July 27, 2020. Intervenor-Defendants-Appellants’ reply brief is therefore due on Monday, August 17, 2020. Intervenor-Defendants-Appellants have not previously requested an extension of time in this appeal.

2. On July 30, 2020, the government requested an extension of time to file its own reply brief to August 31, 2020. Dkt. 300. This Court granted the request on July 31, 2020, and the time to file the government’s reply brief has now been extended to August 31, 2020.

3. As explained in the government's request, the briefing in this consolidated appeal is voluminous, and both the government and Intervenor-Defendants-Appellants must reply to two oversized briefs filed by the Plaintiffs-Appellees, as well as any additional arguments raised in the five or more *amicus* briefs that the parties expect to be filed in support of the Plaintiffs-Appellees. Given the scope and breadth of the legal questions that must be addressed and the significance of this decision to Intervenor-Defendants-Appellants, a fourteen-day extension of the time in which to prepare, draft, and file the reply brief is warranted.

4. A fourteen-day extension of time will not unduly delay this case, given that the government has already received the same fourteen day extension and is already due to file its reply brief on August 31, 2020. This extension will merely align the briefing schedule for the Intervenor-Defendants-Appellants' reply brief with the briefing schedule for the government Defendants-Appellants.

5. We have contacted counsel for the Plaintiffs-Appellees and the Defendants-Appellants and they do not oppose this motion or intend to file a response.

6. For the foregoing reasons, the Court should grant a fourteen-day extension of the time to file the Intervenor-Defendants-Appellants' reply brief, through and including Monday, August 31, 2020.

Dated: August 1, 2020

Respectfully submitted,

/s/ Allyson N. Ho

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ASSOCIATIONS*

### **CERTIFICATE OF COMPLIANCE**

This brief complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(A) because it contains 737 words.

This document complies with the typeface and type-style requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point Times New Roman font.

/s/ Allyson N. Ho  
Attorney for Intervenor-Defendants-Appellants

### **CERTIFICATE OF SERVICE**

I hereby certify that on August 1, 2020, I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Second Circuit by using the appellate CM/ECF system. Participants in this case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ Allyson N. Ho  
Attorney for Intervenor-Defendants-Appellants