

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

THE RELIGIOUS SISTERS OF  
MERCY, *et al.*,

*Plaintiffs,*

v.

ALEX M. AZAR, Secretary of the  
United States Department of Health  
and Human Service, *et al.*,

*Defendants.*

No. 3:16-cv-386

**Plaintiffs' Response to  
Defendants' Motion For An  
Extension of Time**

CATHOLIC BENEFITS  
ASSOCIATION, *et al.*

*Plaintiffs,*

v.

ALEX M AZAR, Secretary of the  
United States Department of Health  
and Human Service, *et al.*,

*Defendants.*

No. 3:16-cv-432

On November 9, 2020, the Court granted Plaintiffs' motion to lift the stay and directed Plaintiffs to file an amended complaint by November 23 and for Defendants to file an answer or response to Plaintiffs' amended complaint by December 23. ECF No. 93. On November 23, Plaintiffs filed their amended complaints and motions for partial summary judgment. ECF Nos. 95-98. Defendants' response to Plaintiffs' motions for partial summary judgment is due on December 14.

In their motions for partial summary judgment, Plaintiffs requested that this

Court issue a ruling by January 20, 2021, the date on which the new Administration can begin enforcing Section 1557 against Plaintiffs. ECF No. 96-1 at 15, 37; ECF No. 104 at 29 n.9. As Plaintiffs explained, the new Administration has made clear its intent to interpret and enforce Section 1557 to compel Plaintiffs to provide or cover gender transition procedures and abortions in violation of their sincerely held religious beliefs. *Id.*

In light of this impending January 20 deadline, when Defendants asked for Plaintiffs' position on their current extension request, Plaintiffs informed Defendants via email on December 10 that they would consent to Defendants' extension motion if Defendants would state in the motion that they agree the Court should rule before January 20. But Defendants declined, indicating that they seek to push the Court's ruling beyond January 20. Accordingly, Plaintiffs oppose Defendants' extension motion, because Defendants' motion would extend all briefing deadlines for the motion for partial summary judgment and leave the Court only 14 days to decide the motion by January 20.

Alternatively, should the Court decide it can rule on Plaintiffs' motions for partial summary judgment by January 20 even after accommodating Defendants' motion for an extension of time, Plaintiffs do not oppose Defendants' motion.

Respectfully submitted this the 11th day of December, 2020.

<p><u>/s/ Luke W. Goodrich</u> Luke W. Goodrich Mark L. Rienzi The Becket Fund for Religious Liberty 1200 New Hampshire Ave. NW Suite 700 Washington, DC 20036 Telephone: (202) 349-7216 Facsimile: (202) 955-0090 lgoodrich@becketlaw.org</p> <p><i>Counsel for Plaintiffs Religious Sisters of Mercy; Sacred Heart Mercy Health Care Center (Alma, MI); SMP Health System, and University of Mary</i></p>	<p><u>/s/ Wayne Stenehjem</u> Wayne Stenehjem Attorney General of North Dakota 600 E. Boulevard Avenue Bismarck, ND 58505-0040 Telephone: (701) 328-2210 Facsimile: (701) 328-2226</p> <p>Douglas A. Bahr Solicitor General N.D. Office of Attorney General 500 N. 9th Street Bismarck, ND 58501 Telephone: (701) 328-3640 Facsimile: (701) 328-4300</p> <p><i>Counsel for Plaintiff North Dakota</i></p>
<p><u>/s/ Ian Speir</u> L. Martin Nussbaum Ian Speir Nussbaum Speir Gleason PLLC 2 N. Cascade Ave., Suite 1430 Colorado Springs, CO 80903 719) 428-4937 martin@nussbaumspeir.com ian@nussbaumspeir.com</p> <p><i>Counsel for Plaintiffs Catholic Benefits Association, et al.</i></p>	

**CERTIFICATE OF SERVICE**

I hereby certify that on December 11, 2020, the foregoing was served on all parties via ECF.

/s/ Luke W. Goodrich  
Luke W. Goodrich