

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
EASTERN DIVISION**

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

*Plaintiffs,*

v.

THOMAS E. PRICE, M.D., Secretary of  
the United States Department of  
Health and Human Services, *et al.*,

*Defendants.*

No. 3:16-cv-386

CATHOLIC BENEFITS ASSOCIATION,  
*et al.*,

*Plaintiffs,*

v.

THOMAS E. PRICE, M.D., Secretary of  
the United States Department of  
Health and Human Services, *et al.*,

*Defendants.*

No. 3:16-cv-432

**DEFENDANTS' CONSENT MOTION FOR EXTENSION OF TIME**

Defendants respectfully request an extension of time to respond to the *Catholic Benefits Association* (“CBA”) complaint until fourteen days after the Court rules on Defendants’ Motion for Voluntary Remand and Stay (May 26, 2017), ECF No. 45, or fourteen days after the Court rules on the CBA Plaintiffs’ Motion for Additional Stay in Response to Defendants’ Motion for

Remand and Stay (May 30, 2017), ECF No. 46, whichever is later.<sup>1</sup> Counsel for the *CBA* Plaintiffs have informed the undersigned that the *CBA* Plaintiffs consent to this motion.

Defendants' present deadline to file an answer or other response to the operative *CBA* complaint falls on June 5, 2017. *See* Order (March 2, 2017), ECF No. 41. As detailed in Defendants' Motion for Voluntary Remand and Stay, the Department of Health and Human Services ("HHS") has now had time to scrutinize the two aspects of the HHS regulation that Plaintiffs challenge in this case and has requested a remand and stay so as to have the opportunity to reevaluate the regulation through proper rulemaking proceedings. Granting Defendants' Motion for Voluntary Remand and Stay would obviate the need for further briefing by the parties on, and consideration by the Court of, the HHS regulation at this time, and perhaps at all. Defendants respectfully submit that it would make the most efficient use of the Court's and the parties' resources if Defendants are permitted an extension of their deadline to respond to the *CBA* complaint, as necessary, until fourteen days after the Court rules on Defendants' Motion for Voluntary Remand and Stay, or fourteen days after the Court rules on the *CBA* Plaintiffs' Motion for Additional Stay in Response to Defendants' Motion for Remand and Stay, whichever is later.

Dated: June 1, 2017

Respectfully Submitted,

CHAD A. READLER  
Acting Assistant Attorney General

JENNIFER D. RICKETTS  
Director, Federal Programs Branch

SHEILA M. LIEBER  
Deputy Director, Federal Programs Branch

/s/ Adam Grogg  
ADAM GROGG

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<sup>1</sup> In the event that the Court grants Defendants' Motion for Voluntary Remand and Stay, this deadline would be extended until the stay is lifted.

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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 1, 2017, I electronically filed a copy of the foregoing. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Adam Grogg  
ADAM GROGG