

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
EASTERN DIVISION

THE RELIGIOUS SISTERS OF MERCY,)
et al.)

Plaintiffs)

v.)

Case No. 3:16-cv-00386

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

Defendants)

CATHOLIC BENEFITS ASSOCIATION,)
et al.,)

Plaintiffs)

v.)

Case No. 3:16-cv-00432

THOMAS E. PRICE, M.D., Secretary of)
the United States Department of Health)
and Human Services; UNITED STATES)
DEPARTMENT OF HEALTH AND)
HUMAN SERVICES; Victoria Lipnic,)
Acting Chair of the United States Equal)
Employment Opportunity Commission;)
and UNITED STATES EQUAL)
EMPLOYMENT OPPORTUNITY)
COMMISSION)

Defendants)

CBA PLAINTIFFS' RESPONSE TO DEFENDANTS'
CONSENT MOTION FOR EXTENSION OF TIME

While the CBA Plaintiffs consent to the Government's proposed extension of time, subject to the two conditions outlined in the Government's motion, the CBA Plaintiffs do not agree to the Government's argument that the sufficient purpose for

this stay is to give Defendant HHS the opportunity to revisit its rule interpreting Section 1557 of the ACA. The CBA Plaintiffs agree that Defendant HHS should revisit its 1557 Rule, including that rule's expansive definition of "sex" under Title IX. But the CBA Plaintiffs have consistently made clear that Defendant EEOC must also revisit its related and equally expansive rule defining "sex" under Title VII. This later concern is precisely why the CBA Plaintiffs have requested that the Court extend its temporary enforcement stay to Defendant EEOC with regard to its interpretation of Title VII on the subject matters contested here.

DATED: June 2, 2017.

Respectfully submitted,

s/ Eric N. Kniffin

L. Martin Nussbaum

Eric Kniffin

Ian Speir

Lewis Roca Rothgerber Christie LLP

90 S. Cascade Ave., Suite 1100

Colorado Springs, CO 80903

o:719-386-3000; f:719-386-3070

mnussbaum@lrrc.com

ekniffin@lrrc.com

ispeir@lrrc.com

Attorneys for Plaintiffs

Catholic Benefits Association, *et al.*

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 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/ Eric N. Kniffin
ERIC N. KNIFFIN