

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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

Appellees,

v.

XAVIER BECERRA, *et al.*,

Appellants

Case No. 21-1890

**PLAINTIFFS' UNOPPOSED  
MOTION FOR EXTENSION  
OF TIME TO FILE  
ANSWERING BRIEFS**

Pursuant to Federal Rule of Appellate Procedure 26(b) and Local Rule 27A(a)(2), Plaintiffs Religious Sisters of Mercy, Sacred Heart Mercy Health Care Center, SMP Health System, and the University of Mary (“Sisters of Mercy Plaintiffs”) and Plaintiffs Catholic Benefits Association, Diocese of Fargo, Catholic Charities North Dakota, and Catholic Medical Association (“CBA Plaintiffs”) (collectively, “Plaintiffs”) request a 30-day extension to file their respective answering briefs in the above-captioned matter. This would extend the current deadline from July 16, 2021, to August 16, 2021. Defendants do not oppose Plaintiffs’ motion.

In support of this motion, Plaintiffs state the following:

1. According to Federal Rule of Appellate Procedure 26(b) and Local Rule 27(a)(2), the court may extend the time for filing a brief for “good cause.” Fed. R. App. P. 26(b).

2. Counsel for Sisters of Mercy Plaintiffs have had a number of conflicting deadlines during the 30-day response window, including a supplemental reply brief in the Northern District of Texas on June 18, *see Franciscan Alliance v. Becerra*, No. 16-108, ECF No. 203 (N.D. Tex. June 18, 2021); a reply brief in the Ninth Circuit on June 24, *see Apache Stronghold v. United States*, No. 21-15295, ECF No. 65 (9th Cir. June 24, 2021); and a fee petition in the Eastern District of New York on June 25, *see Agudath Israel v. Cuomo*, No. 20-cv-4834, ECF Nos. 51-55 (E.D.N.Y. June 25, 2021). Counsel for Sisters of Mercy Plaintiffs also have a reply brief currently due in the Ninth Circuit on July 16, *see Slockish v. U.S. Federal Highway Admin.*, No. 21-35220 (9th Cir. 2021), and responses to written discovery requests and a document production due in a case in the Middle District of Florida on July 8, *see Young Israel of Tampa Inc. v. Hillsborough Area Reg. Transit Authority*, No. 21-cv-294 (M.D. Fla.).
3. Additionally, one of counsel for Sisters of Mercy Plaintiffs has taken an unexpected leave of absence through August 2, and another has a long-scheduled wedding anniversary trip on July 7. Still another recently completed a cross-country move to Florida in early June and is required to take the Florida bar exam on July 27-28.
4. Counsel for CBA Plaintiffs have discovery and summary judgment deadlines in late July and early August in a Colorado state court

case presenting novel and significant First Amendment issues. See *Morris v. Centura Health Corp.*, No. 2019-cv-13980 (Arapahoe Cnty., Colo.). Counsel for CBA Plaintiffs also have prescheduled trips occurring in early July, including a work-related conference in Florida.

5. Finally, the transcript for the January 14 hearing on Plaintiffs' motions for summary judgment is not yet on file and is due on July 12. Order, *Religious Sisters of Mercy v. Becerra*, No. 21-1890 (8th Cir. June 3, 2021). The district court reporter noted that the transcript would be delayed due to multiple criminal appeal transcripts and a six-week criminal jury trial scheduled to begin on June 7. Mot. of Court Reporter for Extension of Time, *Religious Sisters of Mercy v. Becerra*, No. 21-1890 (8th Cir. June 2, 2021). Plaintiffs seek to review the transcript of the January 14 hearing in advance of filing their brief.

For the foregoing reasons, Plaintiffs respectfully request a 30-day extension of time to and including August 16, 2021 to prepare and file their answering briefs.

Dated: July 2, 2021

/s/ Luke W. Goodrich

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## **CERTIFICATE OF SERVICE**

I hereby certify that on July 2, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Participants who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Luke W. Goodrich  
Luke W. Goodrich

## **CERTIFICATE OF COMPLIANCE**

Pursuant to Fed. R. App. P. 32(g), I certify that this motion complies with the type-volume limitation in Fed. R. App. P. 27(d)(2), as it contains 548 words.

/s/ Luke W. Goodrich  
Luke W. Goodrich