

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JOHN KELLEY, *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, *et al.*,

Defendants.

Civil Action No. 4:20-cv-00283-O

AGREED MOTION TO AMEND BRIEFING SCHEDULE

The parties respectfully request the Scheduling Order (ECF No. 40) be amended as follows:

Event	Current Schedule	Parties' Proposal
Plaintiffs' Motion for Summary Judgment	November 1	November 15
Defendants' Combined Response & Cross Motion for Summary Judgment: Nov. 30	December 1	December 29
Plaintiffs' Combined Reply & Response to Cross-Motion for Summary Judgment	December 31	January 28
Defendants' Reply to Cross-Motion for Summary Judgment	January 21	February 18

The plaintiffs are requesting this extension because Jonathan F. Mitchell, lead counsel for the plaintiffs, is serving as counsel of record in both *United States v. Texas*, No. 21A85, and *Whole Woman's Health v. Jackson*, No. 21-463. The Supreme Court of the United States granted certiorari in both cases last week and adopted an expedited briefing schedule in which opening merits briefs must be filed by Wednesday, October 27, 2021, with reply briefs filed by Friday, October 29, 2021. Oral argument in both cases will be held on November 1, 2021. Mr. Mitchell

will be authoring briefs and presenting argument in both cases, and he needs to devote his attention to his responsibilities in those cases between now and November 1.

In order to accommodate the plaintiffs' requested extension, the defendants request an additional extension for the deadline to file their combined cross-motion and opposition brief to accommodate one of defense counsel's taking pre-planned family leave that would otherwise occur during the time after the plaintiffs' motion would be due and before the defendant's opposition and cross-motion would be due if the plaintiffs' time to file is extended.

The parties have conferred and both sides agree to the schedule set forth above.

Respectfully submitted,

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Attorneys for Defendants Xavier Becerra,
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Certificate of Service

On October 26, 2021, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties who have appeared in the case electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Christopher M. Lynch
Christopher M. Lynch

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
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JOHN KELLEY, *et al.*,

Plaintiffs,

v.

ALEX M. AZAR II, *et al.*,

Defendants.

Civil Action No. 4:20-cv-00283-O

ORDER

Upon consideration of the Agreed Motion to Amend Briefing Schedule, it is hereby:

ORDERED that the motion is **GRANTED**, and it is further

ORDERED that briefing on the parties' motions for summary judgment shall be due as follows:

Plaintiffs' Motion for Summary Judgment	November 15
Defendants' Combined Response & Cross Motion for Summary Judgment: Nov. 30	December 29
Plaintiffs' Combined Reply & Response to Cross-Motion for Summary Judgment	January 28
Defendants' Reply to Cross-Motion for Summary Judgment	February 18

SO ORDERED.

REED O'CONNOR
United States District Judge