

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

Christian Employers Alliance,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 1:21-cv-195-DMT-CRH
)	
United States Equal Employment)	
Opportunity Commission, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	
)	

**EXPEDITED MOTION TO EXTEND DEADLINE TO RESPOND TO
PLAINTIFF’S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendants hereby file this Expedited Motion to Extend Deadline to Respond to Plaintiff’s Motion for Partial Summary Judgment. For the reasons stated in the accompanying memorandum, Defendants respectfully request that the Court extend Defendants’ deadline to respond to Plaintiff’s Motion for Partial Summary Judgment, ECF No. 69, to 14 days after the Court rules on Defendants’ Motion to Stay Proceedings Pending Section 1557 Rulemaking, ECF No. 72, which Defendants filed earlier today. Plaintiff is opposed to the relief sought in this Motion.

Defendants further respectfully request expedited treatment of this Motion. Defendants request that the Court direct Plaintiff to file any opposition to this Motion on or before Tuesday, November 7, direct Defendants to file any reply in support of this Motion on or before Wednesday, November 8, and rule on this Motion on or before Thursday, November 9. Defendants request expedition to ensure that the Court rules on Defendants’ request for an extension of their deadline to respond to Plaintiff’s Motion for

Partial Summary Judgment before that deadline passes. Defendants submit that seven days is sufficient time for Plaintiff to respond to an extension motion supported by a memorandum of less than two pages. Plaintiff opposes the request for expedition.

Dated: October 31, 2023

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Principal Deputy Assistant Attorney
General

MICHELLE R. BENNETT
Assistant Branch Director

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**MEMORANDUM IN SUPPORT OF EXPEDITED MOTION TO EXTEND
DEADLINE TO RESPOND TO PLAINTIFF’S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Defendants filed a separate motion earlier today requesting that this Court stay proceedings in this case pending the finalization of a rulemaking being conducted by Defendants United States Department of Health and Human Services (“HHS”) and Office for Civil Rights of the United States Department of Health and Human Services (“OCR”) to promulgate a new rule implementing Section 1557 of the Affordable Care Act. *See* ECF No. 72 (“Stay Motion” or “Stay Mot.”); No. 72-1 (“Stay Memorandum” or “Stay Mem.”). In the instant motion, Defendants respectfully request that the Court extend Defendants’ deadline to respond to Plaintiff’s Motion for Partial Summary Judgment, ECF No. 69, to 14 days after the Court rules on the Stay Motion.¹

The requested extension will ensure that the Court has time to determine whether a stay is warranted, and if the Court chooses to grant a stay, summary judgment briefing

¹ The Stay Memorandum contains a discussion of the background of these proceedings. *See* Stay Mem. 2-3. Defendants incorporate that discussion here.

will occur with the benefit of the Court and the parties being able to consider the impact of the forthcoming Section 1557 rule. As explained in the Stay Memorandum, a stay is warranted because the Court's and the parties' resources will be conserved if the merits of Plaintiff's claims are briefed and decided on the basis of the forthcoming rule. *See* Stay Mem. 4-7. Accordingly, the Court should not require Defendants to submit a brief responding to Plaintiff's Motion for Partial Summary Judgment before the Court rules on Defendants' Stay Motion. Granting this extension would ensure that this Court has the opportunity to consider Defendants' stay request before the matter progresses further.

CONCLUSION

For the foregoing reasons, Defendants respectfully request that the Court extend Defendants' deadline to respond to Plaintiff's Motion for Partial Summary Judgment until 14 days after the Court rules on Defendants' Stay Motion.

Dated: October 31, 2023

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney
General

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Assistant Branch Director

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