

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

**STATE OF TEXAS,  
STATE OF KANSAS,  
STATE OF LOUISIANA,  
STATE OF INDIANA,  
STATE OF WISCONSIN, and  
STATE OF NEBRASKA**

Plaintiffs,

v.

**UNITED STATES OF AMERICA,  
UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,  
DONALD WRIGHT, M.D., M.P.H., in  
his official capacity as ACTING  
SECRETARY OF HEALTH AND  
HUMAN SERVICES, UNITED STATES  
INTERNAL REVENUE SERVICE, and  
JOHN KOSKINEN, in his official capacity  
as COMMISSIONER OF INTERNAL  
REVENUE**

Defendants.

Case No. 7:15-cv-00151-O

**UNOPPOSED RENEWED MOTION TO CONTINUE HEARING**

By and through undersigned counsel, Defendants hereby renew their motion that the Court continue the hearing in this matter until October 25, 2017 or thereafter at the Court’s convenience. Undersigned counsel conferred with counsel for Plaintiffs, who do not object to this motion. Because there is good cause for the request and no party will be prejudiced, the Court should grant the motion.

1. As the Court’s Order noted, in support of their Consent Motion to Continue Hearing (ECF No. 77), Defendants cited the unavailability of undersigned counsel, Ms. Straus Harris –

who has had primary responsibility for this case since April 2016 and expects to present argument for Defendants at the hearing – on the original hearing date due to the Jewish holiday of Shemini Atzeret-Simchat Torah, which begins at sundown on October 11, 2017 and continues through nightfall on October 13, 2017.

2. In their Consent Motion to Continue Hearing, Defendants further noted, albeit in a footnote, that Ms. Straus Harris will also be out of the office on religious leave for the Jewish holiday of Sukkot, which begins at sundown on October 4, 2017 and continues through nightfall on October 6, 2017. During the holidays of Sukkot and Shemini-Atzeret-Simchat Torah, the Jewish religion prohibits the performance of certain activities associated with creative work, including writing and the use of electronic devices. Undersigned counsel regrets that Defendants' Consent Motion to Continue Hearing was not more clear in explaining the extent and effect of Ms. Straus Harris's absences for these Jewish holidays.

3. In addition to Ms. Straus Harris's religious leave on Thursday, October 5 and Friday, October 6, the federal government will be closed on Monday, October 9 in observance of Columbus Day.

4. Accordingly, due to both Ms. Straus Harris's religious leave and the closing of the federal government, there are only two business days between the Court's Order and the hearing date. As a result, the current hearing schedule permits no feasible way for undersigned counsel to consult with the client agencies and prepare for the hearing which, as the Court is aware, will cover four separate motions and a record of several thousand pages.

5. As Defendants explained in their Consent Motion to Continue Hearing, Defendants requested that the hearing be continued until October 25, 2017 or later to allow counsel

for Plaintiffs, Mr. Austin Nimocks, adequate time to prepare for the hearing following his returned from scheduled business-related travel from October 16, 2017 through October 20, 2017.

6. On October 3, 2017, undersigned counsel conferred with Mr. Nimocks, counsel for Plaintiffs, who indicated that Plaintiffs have no objection to Defendants' renewed motion to continue the hearing.

7. A proposed order is attached.

Dated: October 3, 2017

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General  
Civil Division

JOHN R. PARKER  
United States Attorney

JOEL McELVAIN  
Assistant Director

/s/ Julie Straus Harris  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was submitted on October 3, 2017 with the clerk of the court for the U.S. District Court, Northern District of Texas, via the electronic case filing system. I also certify that a copy of this document was served upon all parties, or their attorneys of record, by electronic delivery on this day.

/s/ Julie Straus Harris  
JULIE STRAUS HARRIS

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**[PROPOSED] ORDER**

Upon consideration of Defendants' Unopposed Renewed Consent Motion to Continue Hearing, it is hereby ORDERED that Defendants' motion is granted; and it is further ORDERED that:

The hearing currently scheduled for October 10, 2017, shall be rescheduled for October 25, 2017 or later.

**SO ORDERED** on this \_\_\_\_ day of \_\_\_\_\_, 2017.

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**REED O'CONNOR**  
**UNITED STATES DISTRICT JUDGE**  
**NORTHERN DISTRICT OF TEXAS**