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6 *Counsel for Defendant-Intervenor*

7 **IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

8 THE STATE OF CALIFORNIA; THE STATE OF
9 CONNECTICUT; THE STATE OF DELAWARE; THE
DISTRICT OF COLUMBIA; THE STATE OF HAWAII;
10 THE STATE OF ILLINOIS; THE STATE OF
MARYLAND; THE STATE OF MINNESOTA, BY AND
11 THROUGH ITS DEPARTMENT OF HUMAN SERVICES; THE
STATE OF NEW YORK; THE STATE OF NORTH
CAROLINA; THE STATE OF RHODE ISLAND; THE
12 STATE OF VERMONT; THE COMMONWEALTH OF
VIRGINIA; THE STATE OF WASHINGTON,

13 *Plaintiffs,*
v.

14 ERIC D. HARGAN, in his official capacity as Acting
15 Secretary of the U.S. Department of Health and Human
Services; U.S. DEPARTMENT OF HEALTH AND
16 HUMAN SERVICES; R. ALEXANDER ACOSTA, in his
official capacity as Secretary of U.S. Department of
Labor; U.S. DEPARTMENT OF LABOR; STEVEN
17 MNUCHIN, in his official capacity as Secretary of the
U.S. Department of the Treasury; U.S. DEPARTMENT
18 OF THE TREASURY; DOES 1-100,

19 *Defendants,*
and,

20 THE LITTLE SISTERS OF THE POOR, JEANNE
JUGAN RESIDENCE; MARCH FOR LIFE
21 EDUCATION AND DEFENSE FUND,

22 *Defendants-Intervenors.*

Case No. 4:17-cv-05783-HSG

**MOTION FOR ORDER
EXTENDING TIME FOR
INTERVENOR-DEFENDANT
THE LITTLE SISTERS OF
THE POOR TO ANSWER
SECOND AMENDED
COMPLAINT**

[N.D. CAL. CIVIL L. R. 6-3]

1 Intervenor-Defendants the Little Sisters of the Poor, Jeanne Jugan Residence ("Little
2 Sisters"), hereby move this Court pursuant to Northern District of California Local Rule
3 6-3 to extend the time to answer the Plaintiffs' Amended Complaint.

4 The Amended Complaint was filed on December 18, 2018, and a response is due on
5 January 2, 2019. The federal defendants have requested an extension until February 28,
6 2019. The Little Sisters seek the same relief as the federal defendants in order to avoid
7 having to answer the complaint before the preliminary injunction motion (Dkt. 174) is
8 resolved, and to avoid the substantial prejudice of being required to file an answer before
9 the defendants themselves do so. This is the first request for an extension regarding the
10 Second Amended Complaint and would not interfere with the progress of the preliminary
11 injunction motion. Given the Defendants' request for an extension, it will not
12 substantially affect the schedule for the rest of the case.

13 The Little Sisters have conferred with the other parties; the Plaintiffs do not oppose
14 this motion; the Government Defendants have not stated whether they oppose this
15 motion.

16 Dated: December 26, 2018

17 Respectfully submitted,

18 /s/ Lori H. Windham

19 Mark L. Rienzi

20 Eric C. Rassbach

21 Lori H. Windham

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1200 New Hampshire Ave. NW, Suite 700

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Counsel for Defendant-Intervenor the Little Sisters of the Poor, Jeanne Jugan Residence

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10 MARYLAND; THE STATE OF MINNESOTA, BY AND
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11 VIRGINIA; THE STATE OF WASHINGTON,

12 *Plaintiffs,*
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20 THE LITTLE SISTERS OF THE POOR, JEANNE
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21 EDUCATION AND DEFENSE FUND,

22 *Defendants-Intervenors.*

Case No. 4:17-cv-05783-HSG

**DECLARATION IN SUPPORT
OF MOTION FOR ORDER
EXTENDING TIME FOR
DEFENDANT-INTERVENORS
THE LITTLE SISTERS OF
THE POOR TO ANSWER
SECOND AMENDED
COMPLAINT**

[N.D. CAL. CIVIL L. R. 6-3]

1 I, Lori Windham, declare as follows:

2 1. I am a Senior Counsel with the Becket Fund for Religious Liberty. I am an attorney
3 of record in the above-captioned matter.

4 2. I have personal knowledge of all facts stated in this declaration, and if called to
5 testify, I could and would testify competently thereto.

6 3. My colleague Diana Verm contacted counsel for plaintiffs and government
7 defendants regarding this motion. Counsel for plaintiffs, Ms. Boergers, stated that
8 plaintiffs do not oppose the motion to extend the answer deadline to Feb. 28. Counsel for
9 government defendants has not yet responded to the request for consent, and I expect
10 there may be a delay in their response due to the lapse of appropriations.

11 4. The Government Defendants have sought a similar extension of time. If Intervenor
12 Defendants were required to answer at this point, they would be doing so well in advance
13 of the Government Defendants' answer and during the time allocated for the Little
14 Sisters' response to Plaintiffs' motion for preliminary injunction.

15 5. Counsel for the Little Sisters has multiple deadlines to meet over the next three
16 weeks, including responsive briefing on a similar preliminary injunction motion in the
17 Eastern District of Pennsylvania; multiple discovery due dates, including the close of
18 written discovery in a case in the Eastern District of Michigan; and motions hearings in
19 both this Court and the Eastern District of Pennsylvania.

20 5. The Little Sisters are not seeking any alteration in the schedule on Plaintiffs'
21 motion for preliminary injunction, and do not expect that granting this motion would
22 delay the progress of the motion for preliminary injunction.

6. The Little Sisters have not previously sought an extension of time to answer the amended complaint.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on December 26, 2018.

Dated: December 26, 2018

Respectfully submitted,

/s/ Lori H. Windham
Lori H. Windham
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1200 New Hampshire Ave. NW, Suite 700
Washington, DC 20036
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Counsel for Intervenor-Defendant the Little Sisters of the Poor, Jeanne Jugan Residence

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Defendants,

and,

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EDUCATION AND DEFENSE FUND,

Defendants-Intervenors.

Case No. 4:17-cv-05783-HSG

**[PROPOSED] ORDER
GRANTING INTERVENOR-
DEFENDANT'S MOTION FOR
EXTENSION OF TIME**

[N.D. CAL. CIVIL L. R. 6-3]

1 The Court, having considered Intervenor-Defendant Little Sisters of
2 the Poor, Jeanne Jugan Residence's motion to extend time to file an
3 answer until February 28, 2019, hereby GRANTS the motion.
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8 IT IS SO **ORDERED**, this _____ day of _____, 2018.
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12 Dated: _____

13 HON. HAYWOOD S. GILLIAM, JR.
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UNITED STATES DISTRICT JUDGE