

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 18-2583

Caption [use short title]

Motion for: Extension of Time

Set forth below precise, complete statement of relief sought:

This Court invited the views of the United States as amicus. The United States requests 60 additional days, to and including June 4, 2019, to file an amicus brief if the Solicitor General authorizes participation.

United Healthcare of NY, Inc. v. Vullo

MOVING PARTY: United States (invited amicus)

OPPOSING PARTY: \_\_\_\_\_

Plaintiff  Defendant

Appellant/Petitioner  Appellee/Respondent

MOVING ATTORNEY: Joshua Revesz

OPPOSING ATTORNEY: \_\_\_\_\_

[name of attorney, with firm, address, phone number and e-mail]

U.S. DOJ, 950 Pennsylvania Ave N.W., DC 20530

202-514-8100

joshua.w.revesz@usdoj.gov

Court- Judge/ Agency appealed from: \_\_\_\_\_

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

Yes  No (explain): \_\_\_\_\_

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has this request for relief been made below?

Yes  No  
 Yes  No

Has this relief been previously sought in this court?

Requested return date and explanation of emergency: \_\_\_\_\_

Opposing counsel's position on motion:

Unopposed  Opposed  Don't Know

Does opposing counsel intend to file a response:

Yes  No  Don't Know

Is oral argument on motion requested?

Yes  No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

Yes  No If yes, enter date: heard on 2/8/2019

Signature of Moving Attorney:

/s/ Joshua Revesz Date: March 4, 2019 Service by:  CM/ECF  Other [Attach proof of service]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

UNITED HEALTHARE OF NEW YORK,  
INC., et al.,

Plaintiffs-Appellants,

v.

No. 18-2583

MARIA T. VULLO, in her official capacity as  
Superintendent of Financial Services of the  
State of New York,

Defendant-Appellee.

**UNOPPOSED APPLICATION FOR EXTENSION OF TIME TO FILE  
AMICUS BRIEF**

The federal government respectfully applies for a 60-day extension of time, to and including June 4, 2019, in which to respond to the Court's invitation to file an amicus brief in this case. The government has consulted with counsel for both parties, who do not oppose this request.

1. On February 19, 2019, this Court sent a letter to the Department of Health and Human Services (HHS), inviting HHS to participate as amicus in this case. The letter indicated that an amicus brief should be filed on April 5, 2019. The same day, this Court sent a letter to the Solicitor General with the same invitation.

2. The Department of Justice is charged with representing the interests of the United States in court, *see* 28 U.S.C. §§ 518, 519, and an amicus brief cannot be filed without authorization by the Solicitor General, *see* 28 C.F.R. § 0.20(c).

3. The Department of Justice respectfully requests an additional 60 days, to and including February 19, 2019, in which to file an amicus brief if authorized to do so by the Solicitor General. The preparation of an amicus brief in a case in which the United States has not had prior involvement is a time-consuming process that requires consultation with interested agencies and Department of Justice components. In light of the complexity of this case and the significant backlog in litigation for the Department caused by a recent protracted funding lapse, the requested 60-day extension is needed to allow adequate time to prepare the brief. We will notify the Court promptly if the Solicitor General determines against amicus participation.

Respectfully submitted,

ALISA B. KLEIN  
(202) 514-1597

/s/ Joshua Revesz  
JOSHUA REVESZ  
(202) 514-8100  
Attorneys, Appellate Staff  
Civil Division  
U.S. Department of Justice  
950 Pennsylvania Ave., N.W.  
Room 7256  
Washington, D.C. 20530

MARCH 2019

**CERTIFICATE OF SERVICE**

I hereby certify that on March 4, 2019, I caused this document to be filed electronically by using the Court's CM/ECF system. All parties are represented by registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/ Joshua Revesz  
JOSHUA REVESZ