

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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PLANNED PARENTHOOD OF MARYLAND,  
INC., *et al.*,

*Plaintiffs-Appellees,*

v.

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

*Defendants-Appellants.*

No. 20-2006

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**APPELLEES' UNOPPOSED MOTION FOR AN  
EXTENSION OF TIME TO FILE A PRINCIPAL BRIEF**

For the reasons that follow, plaintiffs-appellees respectfully request that the Court extend the deadline for their responsive brief from January 11, 2021, to February 10, 2021, a 30-day extension of time. Defendants-appellants have stated that they do not oppose this motion.

1. Plaintiffs-appellees challenge a 2019 rule issued by the U.S. Department of Health and Human Services that requires insurers whose plans include abortion coverage for which federal funding is prohibited to send enrollees two separate bills each month, one for the abortion coverage and the other for the remainder of the premium. The rule also requires insurers to instruct enrollees to pay the separate bills in two separate transactions. The district court vacated the rule as arbitrary and capricious and contrary to law, and the government appealed. Two

other district courts in the Ninth Circuit have also vacated all or part of the challenged rule. Appeals of those decisions are pending in that court of appeals.

2. The government's opening brief in this case was originally due November 9, 2020. It requested a 14-day extension of time, which would have had the effect of moving plaintiffs-appellees' responsive brief deadline to December 23, 2020. Accordingly, plaintiffs-appellees consented to the extension on the condition that they receive additional time, up to and including January 11, 2020, to accommodate planned holiday leave. The Court granted that extension request, which the parties filed jointly.

3. Plaintiffs-appellees now respectfully request a 30-day extension, to and including February 10, 2021, to accommodate other pressing litigation demands, including two deadlines for lead counsel Julie Murray that did not previously fall during plaintiffs-appellees' time to draft a responsive brief. Ms. Murray is responsible for preparing a reply brief in *Planned Parenthood Ctr. for Choice v. Abbott*, No. 20-305 (U.S.), by December 9, 2020. In addition, she has two deadlines in *Planned Parenthood Ass'n of Utah v. Saunders*, No. 19-238 (D. Utah): an opposition to a cross-motion for summary judgment and reply by December 14, 2020, and a reply in support of a motion to exclude expert testimony by December 17, 2020. Ms. Murray will be on leave after December 18, 2020, until January 4, 2021. In addition to Ms. Murray's deadlines, co-counsel Andrew Freeman has

deadlines that include an oral argument on January 11, 2021, in the Maryland Court of Special Appeals in *Smith v. Westminster Management, LLC*, No. 19-2508 (in which he will argue as lead counsel) and an opening brief for appellant, also due on January 11, in the United States Court of Appeals for the D.C. Circuit in *Whiteru v. WMATA*, No. 20-2087 (in which he is co-counsel). Co-counsel Andrew Beck and Meagan Burrows also have discovery obligations, including depositions, in *Bernard v. Individual Members of the Indiana Med. Licensing Bd.*, No. 19-1660 (S.D. Ind.) from December through February.

4. Extending the briefing schedule in this manner will not appreciably delay resolution of the case, and counsel do not anticipate the need for any further extensions.

Respectfully exchanged,

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*Attorneys for Plaintiffs-Appellees Kirsty Hambrick, Rebecca Barson, Mariel DiDato, and Tanja Hollander, on behalf of themselves and the Consumer Class*

Dated: December 4, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that on December 4, 2020, I electronically filed the forgoing motion with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system

/s/ Julie A. Murray  
Julie A. Murray