

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

MICHAEL CONWAY, in his capacity )  
as Liquidator of Colorado Health )  
Insurance Cooperative, Inc., )  
Plaintiff-Appellee, )  
v. ) 20-1292  
UNITED STATES, )  
Defendant-Appellant. )

**UNOPPOSED MOTION FOR A 30-DAY EXTENSION OF  
THE DEADLINE TO FILE ANY PETITION FOR REHEARING**

For the following reasons, the government respectfully requests a 30-day extension, to and including August 2, 2021, of the deadline to file any petition for rehearing in this case.

1. The deadline to file a petition for rehearing is currently July 1, 2021.

This is the government's first request for an extension of the deadline to file a petition for rehearing.

2. The issues addressed by the panel decision are significant. The requested extension is necessary to allow sufficient time for government counsel to obtain input from the client agency and affected components of the Department of Justice, to determine whether to file a petition for rehearing, and, if so, to prepare and file any such petition.

3. The requested extension is also necessary in light of other appellate deadlines faced by government counsel. Alisa Klein has been principal counsel for the government in this case. Ms. Klein also has principal or supervisory responsibility for the following appellate matters with upcoming deadlines: *Alabama Association of Realtors v. U.S. Department of Health & Human Services*, No. 20A169 (S. Ct.) (response to emergency application due June 10, 2021); *Terkel v. Centers for Disease Control and Prevention*, No. 21-40137 (5th Cir.) (reply brief due June 30, 2021, as extended); *Tiger Lily, LLC v. U.S. Department of Housing and Urban Development*, No. 21-5256 (6th Cir.) (reply brief due July 2, 2021); *Washington State Health Care Authority v. Centers for Medicare and Medicaid Services*, No. 21-70338 (9th Cir.) (response brief due July 7, 2021); *Silverado Hospice, Inc. v. Becerra*, No. 20-56348 (9th Cir.) (response brief due July 12, 2021); *Babcock v. Saul*, No. 20-480 (S. Ct.) (response brief due July 26, 2021); and *Turnbull v. Berryhill*, No. 20-5365 (D.C. Cir.) (response brief due July 27, 2021, as extended).

4. Plaintiff's counsel has authorized us to state that plaintiff takes no position on this extension request.

Respectfully submitted,

/s/ Alisa B. Klein  
ALISA B. KLEIN  
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Counsel for the United States

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UNITED STATES, )  
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Defendant-Appellant. )

**DECLARATION OF COUNSEL**

I, Alisa B. Klein, state the following:

1. I am an attorney with the Department of Justice, Civil Division, Appellate Staff. I have been principal counsel for the government in this appeal.
2. This is the government's first request for an extension of time of the deadline to file a petition for rehearing.
3. The issues addressed by the panel decision are significant. The requested extension is necessary to allow sufficient time for government counsel to obtain input from the client agency and affected components of the Department of Justice, to determine whether to file a petition for rehearing, and, if so, to prepare and file any such petition.

4. The requested extension is also necessary in light of my other appellate deadlines. I have principal or supervisory responsibility for the following appellate matters with upcoming deadlines: *Alabama Association of Realtors v. U.S. Department of Health & Human Services*, No. 20A169 (S. Ct.) (response to emergency application due June 10, 2021); *Terkel v. Centers for Disease Control and Prevention*, No. 21-40137 (5th Cir.) (reply brief due June 30, 2021, as extended); *Tiger Lily, LLC v. U.S. Department of Housing and Urban Development*, No. 21-5256 (6th Cir.) (reply brief due July 2, 2021); *Washington State Health Care Authority v. Centers for Medicare and Medicaid Services*, No. 21-70338 (9th Cir.) (response brief due July 7, 2021); *Silverado Hospice, Inc. v. Becerra*, No. 20-56348 (9th Cir.) (response brief due July 12, 2021); *Babcock v. Saul*, No. 20-480 (S. Ct.) (response brief due July 26, 2021); and *Turnbull v. Berryhill*, No. 20-5365 (D.C. Cir.) (response brief due July 27, 2021, as extended).

5. Plaintiff's counsel has authorized us to state that plaintiff takes no position on this extension request.

6. I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

Executed on June 9, 2021

/s/ Alisa B. Klein

## **CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing motion complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(A) because it contains 312 words, according to the count of Microsoft Word. The motion complies with Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Times New Roman, a proportionally spaced typeface.

/s/ Alisa B. Klein  
Alisa B. Klein  
Counsel for the United States

## **CERTIFICATE OF SERVICE**

I certify that on June 9, 2021, I filed and served the foregoing motion with the Clerk of Court by causing a copy to be electronically filed via the appellate CM/ECF system. I also hereby certify that the participants in the case are registered CM/ECF users and will be served via the CM/ECF system.

/s/ Alisa B. Klein  
Alisa B. Klein  
Counsel for the United States