

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

DEBORAH CARR, BRENDA MOORE,
AND MARY ELLEN WILSON,

Plaintiffs,

v.

XAVIER BECERRA, SECRETARY,
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Defendant.

Case No. 3:22-cv-00988 (MPS)

**DEFENDANT'S MOTION FOR EXTENSION OF TIME, *NUNC PRO TUNC*, TO
ANSWER OR OTHERWISE RESPOND TO AMENDED COMPLAINT**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Defendant, the Secretary of Health and Human Services, hereby respectfully requests an extension of time, *nunc pro tunc*, to answer or otherwise respond to the amended complaint. Defendant respectfully requests that the deadline be extended to 21 days after the Court resolves the pending motion for preliminary injunction.

On August 3, 2022, Plaintiffs filed a complaint, ECF No. 1, and a motion for a temporary restraining order and preliminary injunction, ECF No. 3. The United States Attorney for the District of Connecticut received service of process in this matter on August 4, 2022. ECF No. 16. Plaintiffs filed an amended complaint on August 26, 2022. ECF No. 43. Under Federal Rules 12(a)(2) and 15(a)(3), Defendant's response to the amended complaint was therefore due on October 3, 2022. Due to an administrative oversight and a number of other pressing matters, undersigned counsel miscalculated this deadline and inadvertently failed to timely request an extension of time to file an answer or otherwise respond to the amended complaint. Defendant greatly regrets the error.

Good cause supports this extension. Granting this extension would not unduly delay this action or impact any other pending deadlines in the case. Moreover, the Court has not yet ruled on Plaintiffs' pending motion for a preliminary injunction, and a hearing is set for October 26, 2022. *See* ECF No. 60. Resolution of that motion would inform how Defendant responds to the amended complaint, streamlining and facilitating the resolution of this case. For example, in his brief opposing Plaintiffs' preliminary injunction motion, Defendant raised critical jurisdictional arguments that affect not only the preliminary injunction, but also further proceedings in this case. *See* Def.'s Mem. in Opp. to Pls.' Mot. for Prelim. Inj. at 11-16. Defendant also raised numerous legal arguments in his opposition to the preliminary injunction motion, *see id.* at 16-25, and the resolution of those issues may affect potential Rule 12(b)(6) arguments made in response to the amended complaint. Therefore, extending the deadline for Defendant to respond to the amended complaint until after the Court has weighed in on these jurisdictional issues as well as the other legal issues would foster judicial economy and avoid duplicative briefing. *Cf. Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (a district court possesses inherent authority to "control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants").

This is Defendant's first requested extension of the deadline to respond to the amended complaint. Defendant therefore respectfully requests that their deadline to answer or otherwise respond to the amended complaint be extended until 21 days after the Court resolves the pending motion for preliminary injunction. Defendant has conferred with counsel for Plaintiffs in this matter, and Plaintiffs oppose the relief sought by this motion, but agreed to an extension until October 24, 2022.

Dated: October 6, 2022

Respectfully submitted,

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Principal Deputy Assistant Attorney General

MICHELLE R. BENNETT

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/s/ Madeline M. McMahon

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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2022, a copy of the foregoing Motion for Extension of Time was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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