

No. 23-11184

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

UNITED STATES OF AMERICA, EX REL., ALEX DOE, Relator,
Plaintiff-Appellee,

v.

PLANNED PARENTHOOD FEDERATION OF AMERICA, INCORPORATED,
Defendant-Appellant.

On Appeal from the United States District Court
for the Northern District of Texas, Amarillo Division
Civil Action No. 2:21-cv-00022-Z

**MOTION TO EXTEND DEADLINE FOR DEFENDANT-APPELLANT'S
OPENING BRIEF**

(Counsel listed on signature page)

CERTIFICATE OF INTERESTED PERSONS

No. 23-11184, *Doe v. Planned Parenthood Federation of America, Inc.*

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Fifth Circuit Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal:

Defendant-Appellant:

Planned Parenthood Federation of America, Inc.
Represented by O'Melveny & Myers LLP
Anton Metlitsky
Leah Godesky
Danny S. Ashby
L. Nicole Allan

Plaintiff-Appellee:

Relator Alex Doe
Represented by Hacker Stephens LLP
Heather Gebelin Hacker
Andrew Bowman Stephens

Other Parties:

Defendant Planned Parenthood of Greater Texas, Inc.
Defendant Planned Parenthood Gulf Coast, Inc.
Defendant Planned Parenthood South Texas, Inc.
Defendant Planned Parenthood Cameron County, Inc.
Defendant Planned Parenthood San Antonio, Inc.
Represented by Arnold & Porter Kaye Scholer LLP
Christopher M. Odell
Craig D. Margolis
Tirzah S. Lollar

Paula R. Ramer
Alyssa Gerstner
Christian Sheehan
Emily Reeder-Ricchetti
Megan Pieper
Meghan Martin
Marcus Asner
Matthew Diton
Valarie Hays
Jayce Lane Born

Represented by Law Office of Blackburn & Brown, LLP
Ryan Patrick Brown

Plaintiff State of Texas
Represented by Office of the Attorney General
Ken Paxton
Amy S. Hilton
William David Wassdorf

United States of America, Real Party in Interest
Represented by United States Attorney's Office
Kenneth G. Coffin
J. Scott Hogan
Jamie Yavelberg

State of Louisiana, Real Party in Interest
Represented by Office of the Louisiana Attorney General
Joseph Scott St. John

/s/ Anton Metlitsky
Anton Metlitsky

Pursuant to Fifth Circuit Rule 31.4, Defendant-Appellant Planned Parenthood Federation of America, Inc. hereby moves to extend the deadline to file its opening brief by 30 days, to March 13, 2024.

1. On January 2, 2024, this Court issued a briefing schedule setting a deadline of February 12, 2024 for Appellant's opening brief. Dkt. 25. Appellant respectfully requests an extension of 30 days such that its brief would be due on March 13, 2024.

2. Appellant has not previously sought an extension. And good cause supports an extension here for at least two reasons. First, the undersigned (along with Ms. Godesky) were fully occupied with a jury trial in the U.S. District Court for the Central District of California between January 2 and January 17, 2024. *Malkin v. Fed. Ins. Co.*, No. 2:21-cv-00172-CAS-PD (C.D. Cal.). Then, on January 19—two months after Appellant initiated its appeal and several weeks before Appellant's opening brief was due—Plaintiff-Appellee Alex Doe filed in this Court a motion to dismiss this appeal for lack of jurisdiction, Dkt. 39, to which Appellant was required to respond on January 29, Dkt. 43.

3. In light of the need to respond to Appellee's jurisdictional motion, the press of other unavoidable professional responsibilities, and the important legal issues presented in this appeal, there is good cause for a 30-day extension of time.

4. Appellee opposes this motion, but would suffer no prejudice from a short extension of the briefing schedule. For one thing, the district court has stayed proceedings below, ROA.48279, so there is no impending trial date or other important deadline implicated by this request. For another, Appellee's own motion to dismiss requested a stay in the briefing schedule. Dkt. 39 at 19.

For these reasons, the motion for a 30-day extension to file Appellant's opening brief should be granted such that Appellant's opening brief is due March 13, 2024.

Dated: January 30, 2024

Respectfully submitted,

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Counsel for Planned Parenthood Federation of America, Inc., Defendant-Appellant

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2024, an electronic copy of the foregoing document was filed with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit and served on counsel for Respondent-Appellee using the appellate CM/ECF system.

/s/ Anton Metlitsky
Anton Metlitsky

CERTIFICATE OF COMPLIANCE

This document complies with the type-volume limit and the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 313 words.

This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally-spaced typeface using Microsoft Word in size 14 font in Times New Roman.

/s/ Anton Metlitsky
Anton Metlitsky
Counsel for Defendant-
Appellant Planned Parenthood
Federation of America, Inc.

Dated: January 30, 2024