

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
EASTERN DIVISION

THE CATHOLIC BENEFITS ASSOCIATION; SISTERS OF ST. FRANCIS OF THE IMMACULATE HEART OF MARY; ST. ANNE’S GUEST HOME; and ST. GERARD’S COMMUNITY OF CARE,

Plaintiffs,

v.

XAVIER BECERRA, Secretary of the United States Department of Health and Human Services; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; CHARLOTTE BULLOWS, Chair of the United States Equal Employment Opportunity Commission; and UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Defendants.

No. 3:23-cv-203-PDW-ARS

CBA PLAINTIFFS’ MOTION FOR EXTENSION OF TIME TO FILE REPLY

Plaintiffs the Catholic Benefits Association (“CBA”), Sisters of St. Francis of the Immaculate Heart of Mary, St. Anne’s Guest Home, and St. Gerard’s Community of Care (collectively, “CBA Plaintiffs”), move for a 7-day extension of time to reply to Defendants’ response (“Response”) to Plaintiffs’ motion for temporary restraining order and preliminary injunction (“Motion”). Currently, the deadline for filing a Reply is December 13, 2023.

1. The CBA Plaintiffs filed the Motion on November 22, 2023.
2. The Defendants submitted the Response on December 6, 2023.

3. Civil Rule 7.1(B) of the Local Rules for the District of North Dakota provides that Replies to non-dispositive motions must be served and filed within 7 days.

4. According to Federal Rule of Civil Procedure 6(b)(1)(A)—as adopted in this Court by Civil Rule 6.1—the Court may, for good cause, extend time for acts that may or must be done within a specified time.

5. Good cause exists for the extension requested. Counsel for CBA Plaintiffs is scheduled to present oral argument in the Supreme Court of Connecticut next Thursday, December 14, regarding a novel issue of the enforceability of Halachic Arbitration Agreement in a dispute between two Chabad Lubavitch rabbis. Preparation for, and travel to, the argument will consume most of counsel's time between now and the argument. Counsel thus respectfully requests an additional week to file their reply.

6. Counsel for the CBA Plaintiffs has conferred with counsel for defendants, who consent to the relief requested.

For the foregoing reasons, CBA Plaintiffs respectfully request that their deadline to file a Reply be extended by 7 days—from December 13 to December 20—as set out in the attached proposed order.

DATED: December 8, 2023.

Respectfully submitted,

/s/ Andrew Nussbaum

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