



U.S. Department of Justice
Civil Division, Federal Program Branch
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May 13, 2024

By ECF

The Honorable Ann M. Donnelly
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Haller, et al. v. Department of Health and Human Services, et al.*, No. 2:21-cv-07208

Dear Judge Donnelly,

The parties in this case have conferred regarding scheduling and respectfully submit a jointly agreed-upon schedule for further proceedings in this case. On March 27, 2024, the mandate of the United States Court of Appeals for the Second Circuit issued in this matter. ECF No. 46. On April 22, this Court set a status conference for May 1, which was later continued to May 15. On May 11 and May 12, the parties conferred and counsel for Plaintiffs informed counsel for Defendants that, due to a medical issue, he would be unable to attend the status conference currently set for May 15. Defendants do not oppose Plaintiffs' request to adjourn the status conference, ECF No. 49. The parties believe that entry of a schedule in this case may obviate the need for a status conference, and therefore propose the following:

- Plaintiffs to file an Amended Complaint: On or before **July 10, 2024**
- Defendants to Answer or otherwise respond to the Amended Complaint: **September 9, 2024**

Further, the parties jointly agree that should Defendants respond to the Amended Complaint by filing a dispositive motion, Plaintiff may have 30 days to file a response brief, and Defendants may have 21 days to file a reply brief. The parties believe that this enlargement of the briefing schedule will best assist the Court, as the parties anticipate that this case may involve complex legal issues.

We thank the Court for its attention to this matter.

Sincerely,

/s/

Anna L. Deffebach

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

DR. DANIEL HALLER and LONG
ISLAND SURGICAL PLLC,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES, *et al.*,

Defendants.

Civil Action No. 2:21-cv-07208-AMD

[PROPOSED] ORDER

Before the Court is Defendants' notice of the parties jointly agreed-upon schedule for further proceedings in this case. Being well-advised that the schedule is agreed, and having fully considered the matter, the Court is of the opinion that the proposed schedule should be GRANTED.

It is therefore ORDERED that the following deadlines shall apply:

- Plaintiffs to file an Amended Complaint: July 10, 2024
- Defendants to answer or otherwise respond to Amended Complaint: September 9, 2024

Should Defendants respond to the Amended Complaint by filing a dispositive motion, the following briefing schedule shall apply:

- Plaintiffs are afforded 30 days for a response brief.
- Defendants are afforded 21 days for a reply brief.

SO ORDERED.

Ann M. Donnelly
United States District Judge