

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:20-cv-5583-AKH
)	
U.S. DEPARTMENT OF HEALTH)	
AND HUMAN SERVICES, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

JOINT MOTION FOR AN EXTENSION OF TIME TO FILE
A JOINT PROPOSED SCHEDULE

Pursuant to Federal Rules of Civil Procedure 6(b)(1) and 7(b), and this Court’s Individual Rules, the parties hereby move the Court for an order extending the current deadline to file a joint proposed schedule until July 29, 2024. This case concerns the validity of a rule that the United States Department of Health and Human Services (“HHS” or the “agency”) promulgated in 2020. HHS subsequently initiated a new rulemaking proceeding to replace that rule with a superseding one. In light of that reconsideration, on February 3, 2022, this Court issued an order staying all proceedings in this case until 30 days after the conclusion of the agency’s rulemaking. ECF No. 148. The agency’s rulemaking proceeding has now concluded. On April 26, 2024, the Office of the Federal Register made the new Final Rule available for public inspection and, on May 6, 2024, the new Final Rule was published in the Federal Register. *Nondiscrimination in Health Programs and Activities*, 89 Fed. Reg. 37,522 (May 6, 2024). Insofar as the Court considers the rulemaking to have concluded on April 26, 2024, the current deadline for the parties to file a joint proposed schedule to address any further proceedings in this case is May 28, 2024, as set by this Court’s order of February 3, 2022, ECF No. 148.

Good cause supports the requested extension of time. The parties continue to confer about the need for further proceedings in this matter and, if further proceedings are necessary, a schedule for those proceedings. To facilitate those deliberations, the parties request a sixty-day extension

of time to file the joint proposed schedule, making the proposed schedule due on July 29, 2024. In compliance with this Court's Individual Rules, the parties provide the following additional information in further support of this motion:

- (i) The original and current deadline for the joint proposed schedule is 30 days after the conclusion of the agency's rulemaking—May 28, 2024, insofar as the rulemaking is considered to have concluded on April 26, 2024.
- (ii) There have been no previous requests for an extension.
- (iii) The parties jointly seek this relief and consent to the requested extension.
- (iv) No other deadlines after the original deadline have been previously scheduled. Accordingly, granting this request will not require further modifications to any schedule.

The parties respectfully request that this Court enter an order extending the current deadline to file a joint proposed schedule until July 29, 2024. A proposed order is attached.

Dated: May 23, 2024

Respectfully submitted,

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**[PROPOSED] ORDER GRANTING JOINT MOTION FOR AN EXTENSION OF
TIME TO FILE A JOINT PROPOSED SCHEDULE**

Having considered the parties' Joint Motion for an Extension of Time to File a Joint Proposed Schedule, it is hereby **ORDERED** that the motion is **GRANTED**. The parties shall file a joint proposed schedule to address any further proceedings in this case on or before July 29, 2024.

SO ORDERED.

Dated: _____

JUDGE ALVIN K. HELLERSTEIN
United States District Judge