

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

COMMONWEALTH OF	)	)
PENNSYLVANIA and STATE OF	)	
NEW JERSEY,	)	
	)	
Plaintiffs,	)	)
v.	)	
JOSEPH R. BIDEN, in his official	)	
capacity as President of the United States;	)	
<i>et al.</i> ,	)	)
	)	
Defendants.	)	
	)	

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**JOINT MOTION TO AMEND SCHEDULING ORDER**

The parties respectfully move the Court to amend its scheduling order dated January 15, 2025. In support of this motion, the parties state as follows:

1. This case involves a challenge to final rules that the defendant agencies issued in 2018 expanding the prior religious exemption to the contraceptive coverage requirement and creating a new moral exemption. *See Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the ACA*, 83 Fed. Reg. 57,536 (Nov. 15, 2018); *Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the ACA*, 83 Fed. Reg. 57,592 (Nov. 15, 2018).

2. During a status conference dated January 15, 2025, the Court directed the parties to update their prior merits briefing to address intervening case law development since briefing was completed (which was in November 2020). On the same date, the Court entered a scheduling order governing renewed merits briefing. ECF No. 333

3. For the parties' prior merits briefing, the Court directed the parties to file staggered briefing, with Plaintiffs filing a motion for summary judgment, Federal Defendants and Intervenor-

Defendants filing separate combined cross-motions for summary judgment and responses to Plaintiffs' motion, Plaintiffs filing a combined reply brief in support of their motion and response to Defendants' motions, and Federal Defendants and Intervenor Defendants filing separate reply briefs. *See* ECF No. 251; *see also* ECF Nos. 252-63 (the parties' prior merits briefs).

4. The parties have conferred, and in the interests of efficiency, and in order to present the Court with the most helpful dispositive briefing, they respectfully request that the renewed merits briefing in this case follow the pattern of the parties' original merits briefing, consisting of staggered briefs with two briefs for each party. The parties believe that this method of briefing will be most likely to advance the Court's interest in having the parties merely update their prior briefs with intervening case law developments instead of materially new briefing. The proposed schedule will result in briefing being completed in the same time as under the Court's present scheduling order and will reduce the total number of briefs to be filed.

5. The parties therefore respectfully request that the Court amend its scheduling order as follows:

- a. Plaintiffs shall have until **February 25, 2025** to file their Motion for Summary Judgment, which shall not exceed 45 pages.
- b. Federal Defendants and Intervenor Defendants shall have until **March 28, 2025** to file their respective combined Cross-Motions for Summary Judgment and Responses to Plaintiffs' Motion. Neither combined brief shall exceed 45 pages.
- c. Plaintiffs shall have until **April 22, 2025** to file a combined Response to Defendants' Cross-Motions and Reply in support of their Motion, which shall not exceed 30 pages.
- e. Federal Defendants and Intervenor Defendants shall have until **May 19, 2025** to file their respective Replies in Support of their Cross-Motions. Neither Reply shall exceed 20 pages.

6. A proposed order is attached hereto, for the Court's convenience.

Dated: January 17, 2024

Respectfully submitted,

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

COMMONWEALTH OF )  
PENNSYLVANIA and STATE OF )  
NEW JERSEY, )  
 )  
Plaintiffs, )  
v. ) Civil Action No. 2:17-cv-04540 (WB)  
 )  
JOSEPH R. BIDEN, in his official )  
capacity as President of the United States; )  
*et al.*, )  
 )  
Defendants. )  
 )

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**[PROPOSED] ORDER**

The Court, having considered the parties' joint motion to amend scheduling order in this case, hereby **GRANTS** the motion. It is hereby **ORDERED** that:

1. Plaintiffs shall have until **February 25, 2025** to file their Motion for Summary Judgment, which shall not exceed 45 pages.
2. Federal Defendants and Intervenor Defendants shall have until **March 28, 2025** to file their respective combined Cross-Motions for Summary Judgment and Responses to Plaintiffs' Motion. Neither combined brief shall exceed 45 pages.
3. Plaintiffs shall have until **April 22, 2025** to file a combined Response to Defendants' Cross-Motions and Reply in support of their Motion, which shall not exceed 30 pages.
4. Federal Defendants and Intervenor Defendants shall have until **May 19, 2025** to file their respective Replies in Support of their Cross-Motions. Neither Reply shall exceed 20 pages.

**IT IS SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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HON. WENDY BEETLESTONE  
United States District Judge