

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DR. JAMES L. SHERLEY, et al.,)	
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v.)	
)	Civil Action
)	No. 09-CV-01575-RCL
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KATHLEEN SEBELIUS, et al.,)	
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**PLAINTIFFS’ UNOPPOSED REQUEST TO SET A BRIEFING SCHEDULE AND
EXTEND THE LENGTH OF PLAINTIFFS’ JOINT REPLY, OPPOSITION, AND
RESPONSE MEMORANDUM**

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On September 27, 2010, Defendants (“the Government”) filed a memorandum in opposition to Plaintiffs’ motion for summary judgment and cross-moved for summary judgment. (Docket (“Dkt.”) #57-58.) The following day, amicus curiae Coalition for the Advancement of Medical Research (“CARM”) moved for leave to file a brief in support of the Government’s opposition to Plaintiffs’ motion for summary judgment and in support of the Government’s cross-motion for summary judgment. (Dkt. #61.) Amicus curiae Genetics Policy Institute (“GPI”) also moved for leave to file a brief in opposition to the Plaintiffs’ motion for summary judgment. (Dkt. #63.)

Plaintiffs intend to file one combined brief including their reply in support of Plaintiffs’ motion for summary judgment, their opposition to the Government’s motion for summary judgment, and any substantive response to the arguments set forth in amici curiae CARM’s and GPI’s briefs. As this will be a combined brief, Plaintiffs wish to clarify the applicable deadline and respectfully request that the page limitation for the combined brief be extended.

Plaintiffs and Defendants have conferred and agreed upon the following briefing schedule:

- Plaintiffs’ Combined Reply in Support of Plaintiffs’ Motion for Summary Judgment, Opposition to the Government’s Motion for Summary Judgment, and Response to Briefs of Amici Curiae Due: October 14, 2010.
- Defendants’ Reply in Support of the Government’s Motion for Summary Judgment Due: October 28, 2010.

Plaintiffs respectfully request that the Court enter the schedule upon which the parties have agreed, pursuant to LCvR 7(b).

The Local Rules provide that a memorandum of points and authorities in opposition to a motion for summary judgment not exceed 45 pages, and that a reply memorandum not exceed 25 pages. LCvR 7(e). The parties here have agreed that Plaintiffs' combined reply, opposition, and response memorandum will not exceed 55 pages in length. Plaintiffs respectfully request that the Court approve this extension of the page limitation, pursuant to LCvR 7(e).

Dated: October 1, 2010

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2010, I caused a true and correct copy of the foregoing Unopposed Request To Set A Briefing Schedule And Extend The Length Of Plaintiffs' Joint Reply, Opposition, And Response Memorandum to be served on Defendants' counsel electronically by means of the Court's ECF system.

/s/ Thomas M. Johnson, Jr.
Thomas M. Johnson, Jr.