

1 Dr. Thomas E. Price, in his capacity as Secretary of the Department of Health and Human Services
2 (hereinafter the “United States” or Defendants) (together, the “Parties”), hereby seek approval of
3 this Stipulation to (A) extend the time for the Defendants to respond to the Complaint by 30 days
4 (from May 30, 2017 to June 29, 2017) and (B) set a briefing schedule for the United States
5 forthcoming motion to dismiss. This is the first request for an extension of time and the first
6 request for approval of a stipulated briefing schedule.
7

8 Plaintiff filed her Complaint on March 16, 2017, and the Defendants’ deadline for
9 responding to that Complaint is May 30, 2017. This case arises under the Patient Protection and
10 Affordable Care Act, Pub. L. No. 111-148 (March 23, 2010) (the “Act” or “ACA”) and involves
11 several technically-detailed provisions of the ACA, jurisdictional issues, and complex issues of
12 appropriations law. The undersigned counsel represents the United States in over two dozen
13 related cases, which implicate a total of \$8.3 billion in federal funding for the 2014 and 2015
14 benefit years, with a likely additional amount yet to be determined for the 2016 benefit year.
15

16 In light of the nature of the issues presented by this case—and due to the undersigned’s
17 professional and personal scheduling conflicts from mid-May through June—the United States
18 respectfully requests a 30-day enlargement of time to respond to the Complaint to June 29, 2017.
19

20 At that time, the United States intends to file a Motion to Dismiss. If the above extension
21 request is granted, Plaintiff’s Response to the Motion to Dismiss would be due July 13, 2016 and
22 Defendants’ Reply would be due July 20, 2017. Due to their respective conflicts over the summer
23 months (both professional and personal), the Parties concur that 30-day extensions of time from
24 the dates that would be required by local rule are needed to effectively brief the Response and
25 Reply to the Motion to Dismiss.
26
27
28

1 Accordingly, the Parties stipulate to the following briefing schedule for the United States
2 forthcoming Motion to Dismiss:

- 3 1. Defendants' Motion to Dismiss is to be filed no later than June 29, 2017.
4 2. Plaintiff's Response is to be filed no later than August 14, 2017.
5 3. Defendants' Reply is to be filed no later than September 20, 2017.
6

7 Dated: May 15, 2017

Respectfully submitted:

8
9 By: /s/ Frances M. McLaughlin
FRANCES M. MCLAUGHLIN
TERRANCE A. MEBANE
United States Department of Justice
Senior Trial Attorney

10
11 *Attorneys for the United States*
12

13 Dated: May 15, 2017

Respectfully submitted:

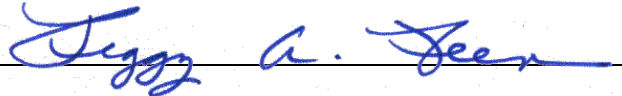
14
15 By: /s/ Eric W. Swanis
MARK E. FERRARIO
ERIC W. SWANIS
Greenberg Traurig LLP
3773 Howard Hughes Parkway
Suite 400 North
Las Vegas, Nevada 89169

16
17
18 *Attorneys for Plaintiff Barbara D. Richardson*
19

20 **ORDER**

21 IT IS SO ORDERED.

22 UNITED STATES DISTRICT JUDGE (or)
23 UNITED STATES MAGISTRATE JUDGE,

24 
25

26 Dated: **May 18, 2017**
27
28