

**U.S. Department of Justice***United States Attorney
Southern District of New York**86 Chambers Street
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March 25, 2024

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VIA ECF

Honorable Valerie E. Caproni
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *National Organization for Women-New York City v.
U.S. Department of Defense, et al., 23 Civ. 6750 (VEC)*

Dear Judge Caproni:

This Office and the Department of Justice's Civil Division represent defendants U.S. Department of Defense and U.S. Department of Veterans Affairs (together, "Defendants" or the "Government") in the above-referenced action commenced by plaintiff National Organization for Women-New York City ("Plaintiff"), which challenges certain DoD and VA policies relating to the provision of in vitro fertilization services to qualifying active-duty service members and veterans, respectively. Defendants write respectfully to request a 10-day extension of their April 26, 2024 deadline to file a reply brief in further support of their motion to dismiss Plaintiff's Amended Complaint. This is Defendants' first request for an extension of their reply brief deadline.

Plaintiff's position with respect to this request is as follows: "Plaintiff consents to the Government's request for an extension of time to file its reply brief up to and including May 13, 2024, provided that Plaintiff's deadline for its brief in opposition is extended to April 19 and that, if the Court determines to hold oral argument on the motion to dismiss, argument can be scheduled by June 14, 2024, after which time the current 3Ls who would present argument must focus entirely on bar exam preparation." If the Court extends Plaintiff's deadline for its opposition brief to April 19, and grants Defendants' requested 10-day extension of time, then the deadline for Defendants to file their reply brief in further support of their motion to dismiss Plaintiff's Amended Complaint would be extended to **May 13, 2024**.

The extension is requested in light of Plaintiff's March 4, 2024 request (ECF No. 46)—which was not made in consultation with the Government—to move the filing deadline for the Government's opening brief from March 8, to March 15, 2024, and the Court's subsequent readjustment of the briefing schedule (ECF No. 47). The period between Plaintiff's opposition brief deadline of April 12, and the Government's reply brief deadline of April 26, now coincides with the previously-scheduled annual leave from April 22–29 of one of the Government attorneys, and with the observance of Passover for other Government attorneys assigned to this matter. The limited extension of time is therefore requested to provide counsel for Defendants with sufficient time to prepare and file a reply brief.

We thank the Court for its consideration of this request.

Respectfully submitted,

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cc: All Counsel of Record (via ECF)

Application GRANTED. Plaintiff's deadline to file a response in opposition to the Motion to Dismiss is extended from Friday, April 12, 2024, to **Friday, April 19, 2024**. Defendants' deadline to file a reply in further support of their Motion is extended from Friday, April 26, 2024, to **Monday, May 13, 2024**.

The Court will hold oral argument on the motion on **Thursday, May 30, 2024, at 2:30 P.M.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007.

SO ORDERED.



3/25/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE