

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HIV AND HEPATITIS POLICY
INSTITUTE *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES *et al.*,

Defendants.

Civil Action No. 1:22-cv-02604-JDB

**CONSENT MOTION FOR EXTENSION OF TIME FOR DEFENDANTS TO RESPOND
TO FIRST AMENDED COMPLAINT AND FOR ENTRY OF A SUMMARY
JUDGMENT BRIEFING SCHEDULE**

Defendants respectfully move for entry of a summary judgment briefing schedule in this case, and for their deadline for responding to Plaintiff's First Amended Complaint to be extended until further order of the Court following resolution of the parties' cross-motions for summary judgment. The reasons for this motion are set forth further below:

1. On September 23, 2020, Plaintiffs filed a First Amended Complaint (ECF No. 10), rendering Defendants' Motion to Dismiss (ECF No. 8) moot. Pursuant to Federal Rule of Civil Procedure 15(a)(3), Defendants' response to the First Amended Complaint is due on or before December 2, 2022.

2. The parties have met and conferred regarding the most expeditious way to proceed and believe that this case can now be resolved on cross-motions for summary judgment.

3. Accordingly, the parties have agreed to the following schedule:

- January 5, 2023 – Defendants will serve the Administrative Record and file the certified list of its contents with the Court;
- February 2, 2023 – Plaintiffs will file their motion for summary judgment;

- March 2, 2023 – Defendants will file their opposition to Plaintiffs’ motion for summary judgment and their cross-motion for summary judgment;
- March 30, 2023 – Plaintiffs will file their combined reply and opposition to Defendants’ cross-motion for summary judgment;
- April 20, 2023 – Defendants will file their reply brief.

4. The parties have further agreed that Defendants’ filing of an answer or other response to the First Amended Complaint will not, in their views, further the issues in the case at the present time. Accordingly, Defendants request that their due date for responding to the First Amended Complaint be extended until further order of the Court following resolution of the parties’ cross-motions for summary judgment.

5. Defendants therefore request that the attached proposed Order be entered by the Court.

6. Plaintiffs have consented to this motion and to entry of the attached Order.

WHEREFORE, for the foregoing reasons, Defendants respectfully move for entry of a summary judgment briefing schedule in this case, and for their deadline for responding to Plaintiff’s First Amended Complaint to be extended until further order of the Court following resolution of the parties’ cross-motions for summary judgment.

Dated: December 1, 2022

Respectfully submitted,

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