

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

UNITED STATES HOUSE OF REPRESENTATIVES,)	
)	
)	
)	
)	
)	Case No. 14-cv-01967-RMC
v.)	
)	
SYLVIA MATHEWS BURWELL,)	
in her official capacity as Secretary of the United States)	
Department of Health and Human Services, et al.,)	
)	
)	
)	
)	
)	
)	

**PLAINTIFF’S RESPONSE TO DEFENDANTS’
MOTION FOR AN EXTENSION OF TIME IN WHICH TO FILE THEIR REPLY
BRIEF**

Pursuant to this Court’s March 6, 2015 Minute Order, plaintiff United States House of Representatives (“House”) respectfully responds to Defendants’ Motion for An Extension of Time in Which to File Their Reply Brief (Mar. 6, 2015) (ECF No. 23) (“Motion”).

As the Motion itself reflects, the House does not object to an enlargement of time to March 23, 2015. *See* Motion ¶ 7. That is a two-week enlargement beyond the original due date of March 9, 2015. *See* Fed. R. Civ. P. 6(d); Local Civil Rule 7(d). The House believes that a two-week enlargement should be sufficient for the following reasons:

1. The requested enlargement concerns a reply memorandum. Defendants already are familiar with the standing and cause of action issues currently at play inasmuch as they filed the motion that precipitated this round of briefing. *See* Defs.’ Mot. to Dismiss the Compl. (Jan. 26, 2015) (ECF No. 20).

2. The House received only a two-week enlargement of time to file its opposition to the Motion to Dismiss, an opposition which entailed a substantially greater amount of work than that required for a reply memorandum.

3. Defendants' justification for the requested 22-day enlargement rests entirely on the schedule of Mr. McElvain. *See* Motion ¶¶ 4-5. However, defendants are represented by five other attorneys, in addition to Mr. McElvain, according to the Motion. Moreover, of course, the Federal Programs Branch of the Department of Justice employs a large number of other attorneys, any number of which presumably are familiar with standing and cause of action law.¹

4. This case raises substantial questions regarding defendants' ongoing expenditure of billions of dollars in public funds that Congress has not appropriated. *See, e.g.,* Opp'n of the [House] to Defs.' Mot. to Dismiss the Compl. at 11-17 (Feb. 27, 2015) (ECF No. 22). As such, the House believes that this case should be regarded by defendants as a priority matter.

Respectfully submitted,

/s/ Jonathan Turley
JONATHAN TURLEY
D.C. Bar No. 417674

2000 H Street, N.W.
Washington, D.C. 20052
(202) 285-8163
jturley@law.gwu.edu

¹ We note also that the district court recently extended to April 22, 2015, defendants' time to respond to the complaint in one of the cases cited in support of the Motion. *See* Stipulation to Extend Def.'s Deadline to Respond to the Compl., *Kaiser Found. Health Plan v. Burwell*, No. 3:14-cv-05255-EMC (N.D. Cal. Mar. 5, 2015) (marked "It Is So Ordered").

KERRY W. KIRCHER, General Counsel
D.C. Bar No. 386816
WILLIAM PITTARD, Deputy General Counsel
D.C. Bar No. 482949
TODD B. TATELMAN, Senior Assistant Counsel
ELENI M. ROUMEL, Assistant Counsel
ISAAC B. ROSENBERG, Assistant Counsel
D.C. Bar No. 998900
KIMBERLY HAMM, Assistant Counsel
D.C. Bar No. 1020989

OFFICE OF GENERAL COUNSEL
U.S. HOUSE OF REPRESENTATIVES
219 Cannon House Office Building
Washington, D.C. 20515
(202) 225-9700 (telephone)

*Counsel for Plaintiff United States House of
Representatives*

March 9, 2015

CERTIFICATE OF SERVICE

I certify that on March 9, 2015, I served one copy of the foregoing Plaintiff's Response to Defendants' Motion for An Extension of Time in Which to File Their Reply Brief, via CM/ECF on all registered parties.

/s/ Kyle T. Jones

Kyle T. Jones