

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**STATE OF OKLAHOMA, ex rel. Scott Pruitt, in his
official capacity as Attorney General of Oklahoma,

Plaintiff,**

v.

**KATHLEEN SEBELIUS, in her official capacity as
Secretary of the United States Department of Health
and Human Services; and JACOB J. LEW, in his
official capacity as Secretary of the United States
Department of the Treasury,

Defendants.**

No. 6:11-cv-00030-RAW

**DEFENDANTS' UNOPPOSED MOTION FOR ONE-DAY EXTENSION
OF TIME IN WHICH TO FILE THEIR SUMMARY JUDGMENT MOTION**

The defendants, Kathleen Sebelius, in her official capacity as Secretary of Health and Human Services, and Jacob J. Lew, in his official capacity as Secretary of the Treasury, by the undersigned counsel, respectfully move this Court for a one-day extension of time, to and including March 19, 2014, in which to file their cross-motion for summary judgment and their response to the plaintiff's motion for summary judgment. This motion is unopposed. In support of this motion, counsel for the defendants state as follows:

1. Under this Court's scheduling order, the defendants' cross-motion for summary judgment and response to the plaintiffs' motion for summary judgment is due to be filed on or before March 18, 2014. Order at 1, ECF 86.

2. As a result of severe weather, the federal government's offices in Washington, D.C., are closed today, March 17, 2014. Counsel for the defendants will accordingly be unable to complete the process of review and approval for the government's filing, and the preparation

and formatting of that filing, by the current deadline of March 18. A one-day extension of time, to and including March 19, will be necessary to ensure that the defendants are able to complete and file their cross-motion for summary judgment and response to the plaintiff's summary judgment motion.

3. The granting of this requested extension would affect the remaining deadlines for briefing in the action by extending each of those deadlines by one day as well. The plaintiff's reply in support of its summary judgment motion, and response to the defendants' cross-motion, would be due on April 22, 2014. The defendants' reply in support of their cross-motion would be due on May 20, 2014.

5. Pursuant to Local Civil Rule 7.1(g), the undersigned counsel for the defendants contacted counsel for the plaintiff, Patrick Wyrick, Esquire, by e-mail on March 17, 2014, and asked for plaintiff's consent to this motion. Mr. Wyrick responded with an e-mail on the same day stating the plaintiff's consent, provided that the plaintiff's briefing deadline is extended by one-day as well. The office of counsel for the defendants is located in Washington, D.C., and the office of counsel for the plaintiffs is located in Oklahoma City, Oklahoma. The distance between the two offices rendered a personal conference infeasible for the purposes of Local Civil Rule 7.1(g).

WHEREFORE, for the foregoing reasons, the defendants respectfully request that the Court grant them a one-day extension of time in which to file their cross-motion for summary judgment and response to the plaintiff's motion for summary judgment, to and including March 19, 2014.

DATED this 17th day of March, 2014.

Respectfully submitted,

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Assistant Attorney General

MARK F. GREEN
United States Attorney

SUSAN S. BRANDON
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s/ Joel McElvain
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

E. Scott Pruitt
Cornelius Neal Leader
Patrick R. Wyrick
Sandra D. Rinehart
Office of the Attorney General
313 NE 21st St.
Oklahoma City, Oklahoma 73105

s/ Joel McElvain
JOEL McELVAIN