

No. 16-5202

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

UNITED STATES HOUSE OF REPRESENTATIVES,
Plaintiff – Appellee,

v.

SYLVIA M. BURWELL, in her official capacity as Secretary of Health and
Human Services; JACOB J. LEW, in his official capacity as Secretary of the
Treasury,
Defendants – Appellants.

On Appeal from a Final Order of the U.S. District Court for the District of
Columbia (Hon. Rosemary M. Collyer, U.S. District Judge)

CONSENT MOTION FOR EXTENSION OF THE BRIEFING SCHEDULE

Pursuant to Federal Rule of Appellate Procedure 27 and Local Rules 27 and
28(e), Appellee the United States House of Representatives (the “House”), by
counsel, respectfully moves this Court for an extension of the briefing schedule.
Undersigned counsel conferred with opposing counsel, Alisa B. Klein, who
advised that Appellants, Secretaries Burwell and Lew, consent to the relief
requested herein.

In support of this relief, the Committee submits as follows:

1. Undersigned counsel, Thomas G. Hungar, assumed his position as General Counsel for the U.S. House of Representatives on July 5, 2016.
2. Pursuant to the Court's Order of September 13, 2016, the House's opposition brief is currently due on November 23, 2016. Order at 1 (Sept. 13, 2016).
3. Due to the current congressional recess, sufficient consultation with appropriate House officials in advance of the current due date for the brief is not practicable.
4. The Office of General Counsel is a small office of six lawyers responsible for handling general legal and litigation needs of the entire House community, which consists of 435 Members, more than 20 Committees, leadership offices, officers, officials, and support offices employing thousands of staffers and employees. In addition to representing members of the House community in active litigation – including a steady stream of pro se litigation nationwide – the Office of General Counsel provides sensitive legal advice to the House community on a host of pressing issues.
5. Under these circumstances, an extension of time is necessary to permit the Office of General Counsel to consult adequately with its client and

prepare and file an appellee's brief that will assist the Court in resolving this appeal.

6. The parties have agreed upon and jointly propose modifying the briefing schedule as follows:

- a. The House shall file its appellee's brief no later than December 23, 2016.
- b. Appellants shall file their reply brief no later than January 19, 2017.

7. This proposed briefing schedule, which grants the House an additional 30 days to file its appellee's brief, is appropriate given the important constitutional issues at stake in this case as well as the substantial number of amicus briefs filed in support of Appellants. Moreover, the additional time will ensure that both parties have sufficient time to prepare thorough and well-considered briefs.

Oral argument is not requested.

Respectfully submitted,

/s/Thomas G. Hungar

THOMAS G. HUNGAR, D.C. Bar No. 447783

General Counsel

TODD B. TATELMAN, VA Bar No. 66008

Associate General Counsel

ELENI M. ROUMEL, SC Bar No. 75763

Assistant General Counsel

OFFICE OF GENERAL COUNSEL
U.S. HOUSE OF REPRESENTATIVES
219 Cannon House Office Building
Washington, D.C. 20515
(202) 225-9700 (telephone)
(202) 226-1360 (facsimile)

*Counsel for Appellee United States House of
Representatives*

November 1, 2016

CERTIFICATE OF SERVICE

I certify that on November 1, 2016, I filed the foregoing Consent Motion for Extension of the Briefing Schedule via the Court's CM/ECF system, which I understand caused delivery of a copy to all registered parties.

/s/Todd B. Tatelman _____

Todd B. Tatelman