

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

STATE OF INDIANA, *et al.* )  
 )  
 Plaintiffs, )  
 v. ) Case No. 1:13-cv-01612-WTL-TAB  
 )  
 INTERNAL REVENUE SERVICE, *et al.*, )  
 )  
 Defendants. )

**DEFENDANTS' UNOPPOSED MOTION FOR ENLARGEMENT OF TIME  
AND ENLARGEMENT OF THE PAGE LIMITATION**

The defendants, Internal Revenue Service; United States Department of Treasury; United States Department of Health and Human Services; United States Department of Labor; John Koskinen, in his official capacity as Commissioner of Internal Revenue; Jacob Lew, in his official capacity as Secretary of the Treasury; Kathleen Sebelius, in her official capacity as Secretary of Health and Human Services; and Thomas Perez, in his official capacity as Secretary of Labor, through the undersigned counsel, hereby respectfully request an enlargement of time of fourteen days, to and including March 10, 2014, for the filing of their reply brief in support of their motion to dismiss the amended complaint. The defendants also respectfully request an enlargement of the page limitation for that brief, and request leave to file a reply brief of no more than 25 pages in support of their motion to dismiss. This motion is unopposed. In support of this motion, the defendants state as follows:

1. The plaintiffs filed their amended complaint in this action on December 9, 2013. (ECF 22.)
2. The defendants filed a motion to dismiss the amended complaint on January 31, 2014. (ECF 36.)

3. The plaintiffs filed separate briefs in opposition to the motion to dismiss. The State of Indiana filed a 35-page brief in opposition to the motion to dismiss on February 12, 2014. (ECF 38.) The remaining plaintiffs, the School Corporations, filed a 24-page brief in opposition to the motion to dismiss, also on February 12, 2014. (ECF 39.) Each set of plaintiffs incorporated arguments from the other opposition brief by reference.

4. Absent an extension, the defendants' reply brief would be due on February 24, 2014. The defendants will require an enlargement of time of fourteen days, until March 10, 2014, in which to prepare their reply brief, due to a conflict in the schedule of the undersigned counsel for the defendants. The undersigned counsel is responsible for the preparation and filing by March 3, 2014, of an opposition to a motion for discovery and for supplementation of the administrative record in four coordinated actions, *Perry Capital, LLC v. Lew*, No. 1:13-cv-1025-RCL (D.D.C.); *Fairholme Funds, Inc. v. FHFA, et al.*, No. 1:13-cv-1053-RCL (D.D.C.); *Arrowood Indem. Co. v. FNMA, et al.*, No. 1:13-cv-1439-RCL (D.D.C.); and *In re Fannie Mae/Freddie Mac Senior Preferred Stock Purchase Agreement Class Action Litigations*, No. 13-mc-1288-RCL (D.D.C.). Due to this conflicting obligation, the defendants respectfully request an enlargement of time until March 10, 2014, to file their reply brief in support of the motion to dismiss in this action.

5. In addition, the defendants will require an enlargement of the page limitation for their reply brief, from 20 pages to 25 pages, in order to respond adequately to the 59 pages of briefing presented in the plaintiffs' two opposition briefs.

6. The undersigned counsel spoke with counsel for the School Corporations, Andrew M. McNeil, Esquire, by telephone on February 20, 2014. Mr. McNeil confirmed that

neither his clients nor the State of Indiana oppose this request for an enlargement of time and for an enlargement of the page limitation.

7. This motion is made in good faith and not for the purpose of delay.

WHEREFORE, the defendants hereby respectfully request a fourteen-day enlargement of time, to and including March 10, 2014, to file their reply brief in support of their motion to dismiss the amended complaint in this action, and an enlargement of the page limitation, to 25 pages, for that reply brief.

Dated: February 20, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2014, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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**ORDER**

The Court, having reviewed the defendants’ unopposed motion for enlargement of time and enlargement of the page limitation, and being duly advised, hereby GRANTS the defendants’ motion and further ORDERS that:

1. The defendants may file their reply brief in support of their motion to dismiss the amended complaint on or before March 10, 2014; and
2. The defendants are granted an enlargement of the page limitation for that brief, and may file a reply brief not to exceed 25 pages in length in support of their motion to dismiss the amended complaint.

IT IS SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2014.

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United States District Court  
Southern District of Indiana