

IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

NICHOLAS E. PURPURA and )  
DONALD R. LASTER, JR., )

Plaintiffs-Appellants, )

v. )

No. 11-2303

KATHLEEN SEBELIUS, individually and )  
as Secretary of the United States )  
Department of Health and Human Services, )  
*et al.*, )

Defendants-Appellees. )

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**MOTION FOR 30-DAY EXTENSION  
IN WHICH TO FILE APPELLEES' BRIEF**

For the following reasons, the government respectfully requests a 30-day extension of time, to and including August 10, 2011, in which to file the appellees' brief.

1. Plaintiffs' pro se opening brief was filed on June 10, 2011. The government's responsive brief is currently due on July 11, 2011. We have not previously received an extension.

2. Plaintiffs challenge the constitutionality of the Patient Protection and Affordable Care Act, which, in pertinent part, will require that non-exempted individuals maintain a minimum level of health insurance coverage or pay a tax

penalty. *See* 26 U.S.C.A. § 5000A. The district court dismissed plaintiffs' claims for lack of standing.

Plaintiffs challenge the district court's rulings in their 40-page opening brief on appeal. The requested extension is necessary to ensure adequate time for the preparation of the government's brief, in consultation with affected agencies.

The extension is also necessary in light of appellate deadlines in other Affordable Care Act cases that fall within or shortly after the briefing period. On June 22, this Court will hear oral argument in *New Jersey Physicians v. President of the United States*, No. 10-4600 (3d Cir.). On June 27, the government's answering brief is due in *Seven-Sky v. Holder*, No. 11-5047 (D.C. Cir.). On June 30, the government's answering brief is due upon extension in *U.S. Citizens Association v. Sebelius*, No. 11-3327 (6th Cir.). On July 13, the Ninth Circuit will hear oral argument in *Baldwin v. Sebelius*, No. 10-56374 (9th Cir.).

Respectfully submitted.

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JUNE 2011

## CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of June, 2011, I caused the foregoing motion to be filed with the U.S. Court of Appeals for the Third Circuit through the CM-ECF system and served upon plaintiffs by first-class mail at the following addresses:

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