

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

-----x Civil Docket No. 11-2303

Nicholas E. Purpura, *pro se*  
Donald R. Lester Jr. *pro se*  
et al. (listed on separate of Complaint)

Plaintiffs

**OPPOSITION TO REQUEST FOR  
30-DAY EXTENSION OF TIME  
AFFIDAVIT IN SUPPORT**

Request For Declaratory Judgment  
Individually & in their Official Capacity  
UNITED STATES DEPARTMENT OF HEALTH  
AND HUMAN SERVICES;  
KATHLEEN SEBELIUS, in her official capacity  
Individually & in their Official Capacity as the  
Secretary of the United States, Department of Health  
And Human Services;  
UNITED STATES DEPARTMENT OF THE TREASURY;  
TIMOTHY F. GEITHNER, in his official capacity as the  
Secretary of the United States Department of the Treasury;  
UNITED STATES DEPARTMENT OF LABOR; and HILDA  
L. SOLIS, in her official capacity as Secretary of the United States  
Department of Labor,  
Defendants.

-----x

For the following reason, Petitioners strongly object to any extension of time, for appellees' to file their opposing brief.

1. Petitioners are aware that any extension of time is rarely given, and in this present action no justifiable excuse exists that has been presented that would justify granting any such extension.
2. Once again the Department of Justice is acting in a duplicitous manner claiming they have not previously received any extension. Throughout these protracted proceeding defendants have repeatedly requested and have been granted (procedurally infirm) (3x's) extensions. Yet, not once have defendants addressed the allegation set forth in Plaintiffs' Petition. To claim that the Justice Department has deadlines in three other "Affordable

Care Act" cases that will fall within or shortly after the briefing periods of June 22, 27, and July 13<sup>th</sup>, 2011 in no way is good cause since the Department of Justice has hundreds of attorneys at their disposal. It is undeniable that scores of them are assigned to the task of defending the constitutionality of the Healthcare Act - "H.R. 3590".

3. Most relevant, by Fed. R. Civ. P., this Honorable Court is only permitted to examine the record before the District Court for any possible constitutional, legal, or factual error. As is plainly apparent by the Appendix on file, the entire record submitted by the Department of Justice consisted of a total of 18-pages which was a rehash of arguments made before other District Courts that have been previously rejected. Defendants fallaciously claim that an extension of time is necessary to ensure adequate time to prepare the government brief, in consultation with affected agencies.
4. The question therefore come to mind, what legal advice could any agency of government present or advise; when all legal questions come under the auspicious of the Justice Department. Clearly, this is another mendacious stalling tactic to protract this matter further.
5. WHEREFORE, Petitioners pray this Honorable Court deny Defendants request for any extension of time.

Respectfully submitted,

---

Nicholas E. Purpura,  
*pro se*,

---

Donald R. Laster Jr.  
*pro se*.

Date: June 15 \_\_, 2010