[NOT YET SCHEDULED FOR ORAL ARGUMENT]

No. 19-5360

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

DONALD J. TRUMP,

Plaintiff-Appellee,

v.

COMMITTEE ON WAYS AND MEANS, UNITED STATES HOUSE OF REPRESENTATIVES, et al.,

Defendants-Appellants,

LETITIA JAMES, in her official capacity as Attorney General of New York State; MICHAEL R. SCHMIDT, in his official capacity as Commissioner of the New York State Department of Taxation and Finance,

Defendants-Appellees.

CONSENT MOTION FOR 30-DAY EXTENSION OF TIME TO FILE APPELLANTS' BRIEF

Pursuant to Circuit Rule 28(e), the Committee on Ways and Means of the U.S. House of Representatives, Chairman Richard E. Neal, and Andrew Grossman (Committee Defendants) respectfully request a 30-day extension of time, to and including October 5, 2020, in which to file their opening brief. The Court previously granted the Committee Defendants a 30-day extension and two 60-day extensions. Plaintiff-Appellee consents to this motion.

1. This is an appeal from the district court's opinion and order granting President Donald J. Trump relief under the All Writs Act. The district court enjoined the Committee Defendants from requesting certain information pursuant to a New York law absent contemporaneous notice and a 14-day stay.

2. The Committee Defendants' opening brief is due on September 4. The Committee Defendants respectfully request a 30-day extension of time, until October 5, to file their opening brief. (October 4 is a Sunday.) An additional extension of time is necessary given undersigned counsel's other litigation obligations and the ongoing COVID-19 pandemic.

Undersigned counsel are responsible for filing numerous briefs on a highly expedited schedule during the coming month. Undersigned counsel plan to file *amicus* briefs in at least six cases challenging President Trump's recent directive to exclude undocumented immigrants from the apportionment base used to assign seats in the House. *See Common Cause v. Trump*, No. 1:20-cv-2023 (D.D.C. filed July 23, 2020); *New York v. Trump*, No. 1:20-cv-5770 (S.D.N.Y. filed July 24, 2020); *Haitian-Americans United, Inc. v. Trump*, No. 1:20-cv-11421 (D. Mass. filed July 27, 2020); *City of San Jose v. Trump*, No. 5:20-cv-5167 (N.D. Cal. July 27, 2020); *California v. Trump*, No. 3:20-cv-5169 (N.D. Cal. Filed July 28, 2020); *Useche v. Trump*, No. 8:20-cv-2225 (D. Md. filed July 31, 2020). Because these cases involve an effort to alter the apportionment method that has been used to determine the House's membership since the

ratification of the Fourteenth Amendment, these cases are of exceptional importance to the House. Briefs in many of these cases will likely be due in mid- to late-August.

Undersigned counsel are also responsible for filing an *amicus* brief in a suit challenging the Trump Administration's efforts to revoke non-discrimination protections for LGBTQ+ individuals in the Affordable Care Act. *See New York v. Dep't of Health and Human Servs.*, No. 1:20-cv-5583 (S.D.N.Y. filed July 20, 2020). The brief in this case is expected to be due in early September.

A 30-day extension is additionally warranted given the substantial disruptions caused by the ongoing pandemic. Because the Committee on Ways and Means is the House Committee with primary legislative and oversight jurisdiction over numerous policy issues related to the federal government's pandemic response, the Committee Defendants have significant and pressing pandemic-related responsibilities that may arise with little warning.

3. Counsel for Plaintiff-Appellee has authorized us to state that they consent to this extension motion.

Respectfully submitted,

/s/ Douglas N. Letter

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Counsel for Appellants

August 6, 2020

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing motion complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Garamond, a proportionally spaced font. I further certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because it contains 468 words according to the count of Microsoft Word.

/s/ Douglas N. Letter
Douglas N. Letter

CERTIFICATE OF SERVICE

I certify that on August 6, 2020, I caused the foregoing document to be filed via the United States Court of Appeals for District of Columbia Circuit CM/ECF system, which I understand caused a copy to be served on all registered parties.

/s/ Douglas N. Letter
Douglas N. Letter