

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

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TYNDALE HOUSE PUBLISHERS, INC.,))	
<i>et al.</i> ,))	
))	
Plaintiffs,))	
))	
v.))	Civil Action No. 12-1635 (RBW)
))	
KATHLEEN SEBELIUS, SECRETARY))	
OF THE UNITED STATES))	
DEPARTMENT OF HEALTH AND))	
HUMAN SERVICES, <i>et al.</i> ,))	
))	
Defendants.))	
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ORDER

Currently before the Court are the Defendants’ Motion for Extension of Time to File a Response to Plaintiffs’ Motion for Preliminary Injunction and Postponement of Hearing, the plaintiff’s Response to Emergency Motion for Extension of Time (“Pls.’ Opp’n”), and the defendants’ reply. The Court grants the defendants’ motion in part and denies the motion in part.

The Court will be aided by the review of the defendants’ response to the plaintiffs’ lengthy complaint and pending Motion for Preliminary Injunction. Holding a hearing prior to reviewing the defendants’ submission will unnecessarily burden the Court in its preparation for the hearing and result in a waste of judicial resources. Accordingly, the Court grants the defendants’ request to postpone the currently scheduled hearing on the merits of the plaintiffs’ pending Motion for Preliminary Injunction until after the defendants have submitted their response to that motion. However, given the Court’s obligation to resolve the plaintiffs’ motion expeditiously, the defendants’ request for an extension of time to file their response is denied.

Finally, the Court declines the plaintiffs' request "to convert its preliminary injunction request into an Application for Temporary Restraining Order under LCvR 65.1(a) and Motion for Preliminary Injunction under LCvR 65.1(c)." Pls.' Opp'n at 3 (emphasis in original). The plaintiffs cannot claim to be prejudiced by the postponement of the hearing. The plaintiffs initially moved for a preliminary injunction pursuant to Local Rule 65.1(c), under which the Court could have set a hearing date as late as October 29, 2012. See LCvR 65.1(d) ("[A] hearing on an application for preliminary injunction [filed pursuant to Local Rule 65.1(c)] shall be set by the court no later than 21 days after its filing."). Had the plaintiffs believed that their alleged injury was imminent enough to warrant seeking a temporary restraining order, the plaintiffs could have requested such an order at the same time that they moved this Court for a preliminary injunction. The fact that they did not do so is telling.

For the reasons stated above, it is hereby

ORDERED that the defendants' motion is **GRANTED IN PART** and **DENIED IN PART**. It is further

ORDERED that the defendants shall file their response to the plaintiffs' motion for preliminary injunction on or before October 22, 2012. It is further

ORDERED that the Court's Order of October 9, 2012 setting a hearing on the merits of the plaintiffs' Motion for Preliminary injunction for October 16, 2012 at 2:00 p.m. is **VACATED**. It is further

ORDERED that the parties shall appear before the Court for a hearing on the merits of the plaintiffs' Motion for Preliminary Injunction at 10:30 a.m. on October 29, 2012.

SO ORDERED this 12th day of October, 2012.

REGGIE B. WALTON
United States District Judge