UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

FEDERAL TRADE COMMISSION and LINA KHAN, in her official capacity,

Defendants.

Case No. 6:24-cv-00148

DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' MOTION FOR STAY OF EFFECTIVE DATE AND PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule CV-7(e), Defendants Federal Trade Commission ("FTC") and FTC Chair Lina Khan, respectfully request a one-week extension of time to file a brief in response to Plaintiffs' motion for a stay of effective date and preliminary injunction, ECF No. 12.

On April 24, 2024, Plaintiffs Chamber of Commerce of the United States of America, Business Roundtable, Texas Association of Business, and Longview Chamber of Commerce filed a complaint in this action. ECF No. 1. On April 24, Plaintiffs filed a motion for a stay of effective date and preliminary injunction, ECF No. 12. The default rules in Local Rule CV-7(e) provide that Defendants have fourteen days to respond to the motion. Accordingly, Defendants' brief in response is currently due on May 8, 2024.

Defendants seek an extension of one week, which would make their response due on May 15. Good cause supports this modest extension. Plaintiffs challenge a nearly 600-page final rule generally

limiting the ability of employers to enter into non-compete agreements with workers. *See* Fed. Trade Comm'n, Non-Compete Clause Rule, RIN2084-AB74 (Apr. 23, 2024) (Final Rule). Plaintiffs' motion, which raises several claims for relief, presents complex issues that would benefit from thorough briefing. *Cf. Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (a district court possesses inherent authority to "control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants"). Further, because the Final Rule does not become effective until 120 days after its publication in the Federal Register, a step which has not yet occurred, Plaintiffs will not be meaningfully prejudiced by a one-week extension. *See* Final Rule, RIN2084-AB74 (Apr. 23, 2024). This is the first extension sought by Defendants and granting this extension would not unduly delay this action or impact any other pending deadlines in the case.

Pursuant to Local Rule CV-7(h), Defendants have conferred with counsel for Plaintiffs in this matter, and Plaintiffs state their position as follows:

> "Plaintiffs state that although they believe it is important to obtain a decision on their motion for interim relief as quickly as possible for the reasons stated in their motion, in the interests of civility and given the weighty legal issues involved in this case, they do not oppose the 7-day extension requested herein so long as plaintiffs also receive a 5-day extension for their reply brief (until May 28, 2024, the first business day following the holiday)."

Defendants do no oppose Plaintiffs' requested extension for their reply brief. Defendants therefore respectfully request that their deadline to respond to Plaintiffs' motion for a stay of effective date and preliminary injunction be extended until May 15, 2024.

Dated: April 25, 2024

Respectfully submitted,

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/s/ Rachael L. Westmoreland
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CERTIFICATE OF CONFERENCE

I, Rachael Westmoreland, hereby certify that on April 25, 2024, counsel for the parties met and conferred via teleconference regarding the instant motion for an extension of time to respond to Plaintiffs' motion for a preliminary injunction. During that conference, counsel for the parties discussed the issue to be presented in Defendants' motion. The parties reached agreement as specified in this motion.

The following counsel participated in this meet and confer:

Judson Littleton

Counsel for Plaintiffs

Madeline McMahon
Rachael Westmoreland
Arjun Mody
Taisa Goodnature

Counsel for Defendants

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