

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GEORGIA COLLEGE OF EMERGENCY)	
PHYSICIANS, <i>et al.</i> ,)	
Plaintiffs,)	
v.)	No. 1:21-cv-05267-MHC
U.S. DEPARTMENT OF HEALTH AND)	
HUMAN SERVICES, <i>et al.</i> ,)	
Defendants.)	

**CONSENT MOTION FOR DEFENDANTS TO BE RELIEVED OF THEIR
OBLIGATION TO ANSWER THE COMPLAINT**

Defendants, with Plaintiffs’ consent, respectfully request that the Court relieve them of their obligation to answer Plaintiffs’ Complaint. The reasons for this request are as follows:

1. In this case, Plaintiffs challenge portions of an interim final rule that implements aspects of the No Surprises Act. *See* Requirements Related to Surprise Billing; Part II, 86 Fed. Reg. 55,980 (Oct. 7, 2021). Plaintiffs moved for a preliminary injunction or, in the alternative, summary judgment before Defendants’ time to answer had run, noting that this Administrative Procedure Act case can be

resolved on the basis of the parties' cross-motions for summary judgment. ECF No. 17 at 2 n.1.

2. The parties are in the midst of briefing Plaintiffs' motion. Under the schedule approved by the Court, Defendants' opposition is due on or before March 4, 2022. ECF No. 15. Defendants also plan to cross-move for summary judgment in the same brief.

3. The current schedule does not explicitly address Defendants' deadline for answering the Amended Complaint, however, by operation of Federal Rule of Civil Procedure 12(a)(2), Defendants' answer is due February 28, 2022.

4. In light of the parties' agreement that this case can be resolved on the basis of their cross-motions for summary judgment, and because briefing on those motions is already well underway, Defendants submit that an answer in this case would serve little purpose and that it would serve the interests of efficiency and economy to dispense with it.

5. Before filing this motion, undersigned counsel conferred with counsel for Plaintiffs about this request, who reported that Plaintiffs consent to the relief requested in the motion.

6. Accordingly, Defendants respectfully request that the Court relieve them of their obligation to answer Plaintiffs' Complaint.

7. A proposed order reflecting this proposal is attached.

Dated: February 24, 2022

Respectfully submitted,

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