

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

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JOHN KELLEY, *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, *et al.*,

Defendants.

Civil Action No. 4:20-cv-00283-O

**DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT**

Defendants Xavier Becerra, in his official capacity as Secretary of Health and Human Services; Janet L. Yellen, in her official capacity as Secretary of the Treasury; Martin J. Walsh, in his official capacity as Secretary of Labor; and the United States now move for summary judgment against all claims and causes of action asserted by Plaintiffs John Kelley, Joel Starnes, Gregory Scheideman, Zach Maxwell, Ashley Maxwell, Joel Miller, Kelley Orthodontics, and Braidwood Management Inc. Pursuant to local civil rule 56.3(b), each of the matters required by local civil rule 56.3(a) is set forth in the accompanying brief. For the reasons given therein, it is requested that summary judgment be granted in Defendants' favor and that this action be dismissed with prejudice.

Respectfully submitted,

CHAD E. MEACHAM  
United States Attorney

/s/ Brian W. Stoltz

Brian W. Stoltz  
Assistant United States Attorney  
Texas Bar No. 24060668  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242-1699  
Telephone: 214-659-8626  
Facsimile: 214-659-8807  
brian.stoltz@usdoj.gov

BRIAN M. BOYNTON  
Acting Assistant Attorney General

MICHELLE R. BENNETT  
Assistant Branch Director

/s/ Christopher M. Lynch

CHRISTOPHER M. LYNCH  
(D.C. Bar # 1049152)  
JORDAN L. VON BOKERN  
(D.C. Bar # 1032962)  
Trial Attorneys  
U.S. Department of Justice  
Civil Division  
1100 L Street, NW  
Washington, D.C. 20005  
Telephone: (202) 353-4537  
Fax: (202) 616-8470  
Email: Christopher.M.Lynch@usdoj.gov

Attorneys for Defendants Xavier Becerra,  
Janet L. Yellen, Martin J. Walsh, and the United States

**Certificate of Service**

On January 28, 2022, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties who have appeared in the case electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Christopher M. Lynch  
Christopher M. Lynch