

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA
and STATE OF NEW JERSEY,

Plaintiffs,

v.

No. 2:17-cv-04540-WB

DONALD J. TRUMP, *in his official capacity as President of the United States*; ROBERT F. KENNEDY, JR., *in his official capacity as Secretary of Health and Human Services*; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; SCOTT BESSENT, *in his official capacity as Secretary of the Treasury*; UNITED STATES DEPARTMENT OF THE TREASURY; LORI CHAVEZ-DeREMÉR, *in her official capacity as Secretary of Labor*; UNITED STATES DEPARTMENT OF LABOR; and UNITED STATES OF AMERICA,

Defendants,

LITTLE SISTERS OF THE POOR SAINTS
PETER AND PAUL HOME,

Intervenor-Defendant.

DEFENDANT-INTERVENOR'S MOTION FOR SUMMARY JUDGMENT

Defendant-Intervenor Little Sisters of the Poor Saints Peter and Paul Home, by and through undersigned counsel, respectfully moves this Court for summary judgment on all counts pursuant to Federal Rule of Civil Procedure 56. In the alternative, Defendant-Intervenor respectfully requests that, if the Court accepts the States' arguments and invalidates the Final Rules, the Court also invalidate the regulations implementing the Mandate prior to October 13, 2017.

There are no genuine issues of material fact, and Defendants are entitled to judgment as a matter of law for the following reasons, as set forth in the attached Memorandum of Law:

1. The States lack Article III standing.
2. The States cannot prevail on their claims that the Final Rule is substantively invalid.
3. The States cannot prevail on their claims that the Final Rule is procedurally invalid.
4. The underlying contraceptive Mandate is invalid under RFRA and unconstitutional under the First Amendment, the nondelegation doctrine, and as a violation of the Appointments Clause.

This Motion is supported by the attached Memorandum of Law, Defendant-Intervenor's previously filed Statement of Undisputed Facts and Response to the Plaintiffs' Statement of Undisputed Facts, the Joint Appendix, and any additional material that may be considered by the Court.

Defendant-Intervenor requests oral argument on this motion.

Dated: April 17, 2025

Respectfully submitted,

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Counsel for Intervenor-Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was electronically filed with the Clerk of the Court for the United States District Court for the Eastern District of Pennsylvania using the CM/ECF system, and that service will be effectuated through the CM/ECF system.

Dated: April 17, 2025

/s/ Mark Rienzi

Mark Rienzi