## IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

Plaintiffs,

AMERICAN COLLEGE OF PEDIATRICIANS, on behalf of itself and its members; CATHOLIC MEDICAL ASSOCIATION, on behalf of itself and its members; and JEANIE DASSOW, M.D.,

No. 1:21-cv-00195-TRM-SKL

v.

XAVIER BECERRA, in his official capacity as Secretary of the United States Department of Health and Human Services; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; LISA J. PINO, in her official capacity as Director of the Office for Civil Rights of the U.S. Department of Health and Human Services; and OFFICE FOR CIVIL RIGHTS OF THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Defendants.

## DEFENDANTS' MOTION TO DISMISS FIRST AMENDED COMPLAINT

Pursuant to Federal Rule of Civil Procedure 12(b)(1), Defendants Xavier Becerra, United States Department of Health and Human Services, Lisa J. Pino, and Office for Civil Rights of the U.S. Department of Health and Human Services (collectively, "Defendants"), hereby move to dismiss the First Amended Complaint filed by Plaintiffs American College of Pediatricians, Catholic Medical Association, and Jeanie Dassow, M.D. (collectively, "Plaintiffs"). For the reasons set forth in the accompanying Memorandum, Defendants submit that Plaintiffs lack standing, their claims are unripe, and/or their claims are moot. Defendants respectfully request that this Court dismiss the First Amended Complaint for lack of subject-matter jurisdiction. Dated: July 19, 2022

Respectfully submitted,

BRIAN M. BOYNTON Principal Deputy Assistant Attorney General

MICHELLE R. BENNETT Assistant Branch Director

/s/ Jeremy S.B. Newman

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