

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

SUSAN NEESE, M.D., *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, *et al.*,

Defendants.

Civil Action No. 2:21-cv-163-Z

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants Xavier Becerra, in his official capacity as Secretary of the U.S. Department of Health and Human Services, and the United States of America (collectively, "Defendants"), now move for summary judgment against all claims and causes of action asserted by Plaintiffs Dr. Susan Neese and Dr. James Hurly (collectively, "Plaintiffs"). 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.

Dated August 26, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

MICHELLE BENNETT
Assistant Branch Director

/s/ Jeremy S.B. Newman

Jeremy S.B. Newman (Mass. Bar No. 688968)
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street N.W.
Washington, DC 20005
Tel: (202) 532-3114
Email: jeremy.s.newman@usdoj.gov

CHAD E. MEACHAM
Acting 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

Attorneys for Defendants

CERTIFICATE OF SERVICE

On August 26, 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 electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jeremy S.B. Newman

Jeremy S.B. Newman

Trial Attorney

United States Department of Justice