

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS**

NATIONAL INFUSION CENTER  
ASSOCIATION, on behalf of itself and its  
members; GLOBAL COLON CANCER  
ASSOCIATION, on behalf of itself and its  
members; and PHARMACEUTICAL  
RESEARCH AND MANUFACTURERS OF  
AMERICA, on behalf of itself and its  
members,

Plaintiffs,

vs.

XAVIER BECERRA, in his official capacity  
as Secretary of the U.S. Department of Health  
and Human Services; the U.S.  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES; CHIQUITA BROOKS-  
LASURE, in her official capacity as  
Administrator of the Centers for Medicare and  
Medicaid Services; and the CENTERS FOR  
MEDICARE AND MEDICAID SERVICES,

Defendants.

Civil Action No. 1:23-cv-00707

**JOINT MOTION TO SET BRIEFING SCHEDULE AND FOR OTHER RELIEF**

Plaintiffs and Defendants respectfully move jointly to set a briefing schedule governing the parties' forthcoming cross-motions for summary judgment, and for related relief requested below.

1. On June 21, 2023, Plaintiffs brought this action seeking declaratory and injunctive relief. ECF No. 1. Service has been effectuated by certified mail.
2. The parties have met and conferred and agree that this case presents legal questions that can properly be resolved through dispositive motions, without the need for discovery. The

parties intend to file cross-motions for summary judgment pursuant to Federal Rule of Civil Procedure 56.

3. The parties propose the following stipulated schedule for cross-motions:
  - Plaintiffs will file a motion for summary judgment by August 10, 2023.
  - Defendants will file a combined cross-motion for summary judgment, and opposition to Plaintiffs' motion, by September 29, 2023.
  - Plaintiffs will file a combined reply in support of their motion and opposition to Defendants' cross-motion by October 26, 2023.
  - Defendants will file a reply in support of their cross-motion by November 17, 2023.

4. The parties respectfully request that the Court allow each brief described above to exceed this Court's default page limitations, due to the complexity of this case and the consolidated briefing on parallel motions. Specifically, the parties request that the Court set the parties' page limits as follows:

- Plaintiffs' motion: 30 pages
- Defendants' combined cross-motion and opposition: 40 pages
- Plaintiffs' combined reply and opposition: 30 pages
- Defendants' reply: 20 pages

5. Because this case involves the facial constitutionality of a federal statute, the parties further respectfully request that the Court dispense with Defendants' obligation to file an Answer to the Complaint.

### **CONCLUSION**

For the foregoing reasons, the parties request that the Court: (1) order the above stipulated schedule for briefing on the parties' forthcoming cross-motions for summary judgment; (2) grant the parties' joint request to extend page limits for all briefs identified in that schedule; and (3) dispense with Defendants' obligation to file an Answer to the Complaint.

DATED: August 1, 2023

Respectfully submitted,

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