

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

**NATIONAL INFUSION CENTER
ASSOCIATION, et. al.,**
Plaintiffs

v.

**XAVIER BECERRA, in his official
capacity as Secretary of the
Department of Health and Human
Services, et. al.,**
Defendants

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CASE NO. 1:23-CV-00707-DAE

ORDER

Now before the Court are Defendants’ Motion for the Temporary Stay of Summary-Judgment Briefing Pending Consideration of Motion to Exclude, filed February 13, 2025 (Dkt. 62), and Plaintiffs’ Opposition to the Government’s Motion to Stay, filed February 20, 2025 (Dkt. 64).¹ By Text Order entered February 18, 2025, the District Court referred the motion to this Magistrate Judge for disposition, pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72, and Rule 1(c) of the Local Rules of the United States District Court for the Western District of Texas (“Local Rules”).

Defendants ask the Court to stay the parties’ agreed summary judgment briefing schedule pending resolution of Defendants’ Motion to Exclude Expert Declaration, also filed February 13, 2025 (Dkt. 61) and also referred to this Magistrate Judge for disposition by Text Order entered February 18, 2025. Under that schedule, Plaintiffs timely filed their motion for summary judgment on January 10, 2025, and Defendants’ combined response and cross-motion for summary judgment is due March 7, 2025. Dkt. 59.

¹ Pursuant to Local Rule CV-7(e)(2), the Court need not wait for a reply before ruling on Defendants’ motion.

Defendants agreed to the briefing schedule, required more than a month to file their motion to stay, and have been aware of some of the challenged expert's opinions since August 2023. *See* Dkt. 62 ¶ 14. For these reasons, the Court finds that Defendants have not shown good cause to stay the briefing schedule at this time.

Defendants' Motion for the Temporary Stay of Summary-Judgment Briefing Pending Consideration of Motion to Exclude (Dkt. 62) is **DENIED**.

The Court **FURTHER ORDERS** that Plaintiffs shall file their response in opposition to Defendants' Motion to Exclude Expert Declaration (Dkt. 61) **on or before Monday, February 24, 2025**.

SIGNED on February 21, 2025.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE