

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FAULK COMPANY, INC.,

Plaintiff,

v.

No. 4:24-cv-00609-P

XAVIER BECERRA, ET AL.,

Defendants.

ORDER

Before the Court is the Parties' Joint Proposal Regarding Briefing Schedule ("Report"). ECF No. 28. According to the Report, the Parties believe that resolution of the issues addressed in the Defendants' Motion to Dismiss (ECF No. 15) "will be dispositive in determining Faulk's claims." ECF No. 28, at 2. Therefore, the Parties agree to transition the Defendants' Motion to Dismiss (ECF No. 15) to a motion for summary judgment on the following issues:

1. Count I: Whether 42 U.S.C. § 18081 and 26 U.S.C. § 4980H permit the IRS to certify and assess the employer shared responsibility payment against Faulk for tax year 2019 and thus whether Faulk is entitled to a refund under 26 U.S.C. § 7422.
2. Counts III and IV: Whether 45 C.F.R. § 155.31(i) conflicts with 42 U.S.C. § 18081 and 26 U.S.C. § 4980H.
3. Counts III and IV: Whether Faulk has standing to challenge 45 C.F.R. § 155.310(i).
4. Counts III and IV: Whether the Declaratory Judgment Act precludes issuance of a declaration invalidating 45 C.F.R. § 155.310(i).

The Report requests that the Court allow the Parties to file supplemental briefing as well as responses to the supplemental briefing. Having reviewed the Report and other docket filings, the Court

GRANTS this request. Accordingly, the Court **ORDERS** that the Parties adhere to the following briefing schedule for supplemental briefing:

- **March 7, 2025:** Deadline to file optional brief to supplement current briefing (limit 10 pages)
- **March 21, 2025:** Deadline to file response to optional brief (limit 10 pages)

SO ORDERED on this **12th day of February 2025.**



MARK T. PITTMAN
UNITED STATES DISTRICT JUDGE