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

DR. JAMES DOBSON FAMILY INSTITUTE and USATRANSFORM d/b/a UNITED IN PURPOSE,))))
Plaintiffs, v.))) No.
XAVIER BECERRA, Secretary of the United States Department of Health and Human Services; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; CHARLOTTE BURROWS, Chair of the United States Equal Employment Opportunity Commission; and UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION))))))
Defendants.)

No. 4:24-cv-00986-O

DEFENDANTS' CROSS-MOTION TO DISMISS PLAINTIFFS' RFRA AND FIRST AMENDMENT CLAIMS, OR IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT ON THOSE CLAIMS

The Department of Health and Human Services (HHS); Xavier Becerra, Secretary of HHS; the Equal Employment Opportunity Commission (EEOC); and Charlotte Burrows, Chair of the EEOC (jointly "Defendants"), hereby cross-move to dismiss Plaintiffs' RFRA and First Amendment claims, or in the alternative, for partial summary judgment on those claims. For the reasons described in the accompanying memorandum, the Court should grant Defendants' motion to dismiss for lack of subject-matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1), or, in the alternative, deny Plaintiffs' partial motion for summary judgment and grant Defendants' cross-motion for partial summary judgment under Rule 56. Pursuant to Local Rule 56.3(b), Defendants have set forth each of the matters required by Local Rule 56.3(a) in Defendants' brief.

Filed 12/04/24 Page 2 of 2 PageID 282

Dated: December 4, 2024

Respectfully submitted,

BRIAN M. BOYNTON Principal Deputy Assistant Attorney General

MICHELLE R. BENNETT EMILY B. NESTLER Assistant Branch Directors

DANIEL SCHWEI Special Counsel

<u>/s/ Olivia Horton</u> OLIVIA G. HORTON (TX Bar No. 24120357) *Trial Attorney* United States Department of Justice Civil Division, Federal Programs Branch 1100 L Street, NW Washington, DC 20005 Tel: (202) 305-0747 Facsimile: (202) 616-8460 Email: Olivia.g.horton@usdoj.gov

Counsel for Defendants

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

DR. JAMES DOBSON FAMILY INSTITUTE and USATRANSFORM d/b/a UNITED IN PURPOSE,)))
Plaintiffs,)
V.) No. 4:24
XAVIER BECERRA, Secretary of the)
United States Department of Health)
and Human Services; UNITED STATES)
DEPARTMENT OF HEALTH AND HUMAN)
SERVICES; CHARLOTTE BURROWS, Chair of)
the United States Equal Employment Opportunity)
Commission; and UNITED STATES EQUAL)
EMPLOYMENT OPPORTUNITY COMMISSION)
Defendants.)

No. 4:24-cv-00986-O

[PROPOSED] ORDER

Upon consideration of Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgment as to Plaintiffs' RFRA and First Amendment claims, the motion is hereby **GRANTED**. [This case is hereby **DISMISSED** for lack of subject-matter jurisdiction under Rule 12(b)(1).] / [Judgment is hereby **ENTERED** for Defendants on Plaintiffs' Claims 1-6.] The parties are **DIRECTED** to meet and confer regarding how they will proceed on the remaining claims.

It is so **ORDERED**.

Date: December ___, 2024

Judge Reed O'Connor District Court Judge