

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BLUE CROSS AND BLUE SHIELD OF
MASSACHUSETTS, INC., et al.,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., Secretary of
Health and Human Services et al.,

Defendants.

Civil Action No. 25-0693 (TNM)

**CONSENT MOTION TO WAIVE FED. R. CIV. P. 12(A) REQUIREMENT
TO FILE AN ANSWER**

Defendants respectfully move to waive their obligation under Fed. R. Civ. P. 12(a) to answer or otherwise respond to Plaintiffs' complaint. As good cause in support of this motion, Defendants represent the following:

1. Plaintiffs filed a Complaint on February 7, 2027. Compl., ECF No. 1. Defendants' deadline to answer the complaint was May 12, 2025.
2. Following the parties' joint motion for entry of a briefing schedule, ECF No. 9, the Court entered a schedule for cross-motions for summary judgment, *see* May 13, 2025 Min. Order. Pursuant to that schedule, Defendants filed a certified index of the Administrative Record and Administrative Record on May 9, 2025; Plaintiffs are to file a motion for summary judgment by May 16, 2025; Defendants are to file a combined motion for summary judgment and opposition to Plaintiffs' motion for summary judgment by May 30, 2025; Plaintiffs are to file a combined reply in support of their motion for summary judgment and opposition to Defendants' motion for

summary judgment by June 12, 2025; and Defendants are to file a reply in support of their motion for summary judgment by June 20, 2025. *Id.* The joint appendix is due on June 23, 2025. *Id.*

3. The parties, having conferred, believe this Administrative Procedure Act case should be resolved on the basis of the administrative record through the parties' forthcoming cross-motions for summary judgment. Defendants respectfully submit that dispensing with Fed. Rule Civ. P. 12(a) requirements to answer or otherwise response to Plaintiffs' complaint would conserve the Court's and the parties' time and resources and promote judicial efficiency by allowing this litigation to move forward expeditiously.

4. Pursuant to Local Rule 7(m), counsel for Defendants conferred with counsel for Plaintiffs, and Plaintiffs consent to Defendants' request.

Accordingly, Defendants respectfully request that the Court waive their obligation to respond to Plaintiffs' complaint. A proposed order is enclosed.

Dated: May 14, 2025
Washington, DC

Respectfully submitted,

JEANINE FERRIS PIRRO
United States Attorney

By: /s/ Tabitha Bartholomew

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ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of Health and Human
Services, U.S. Department of Health and
Human Services, et al.,

Defendants.

[PROPOSED] ORDER

Upon consideration of Defendants' Consent Motion to Waive Fed. R. Civ. P. 12(a)
Requirement to File an Answer, and for good cause shown, it is hereby

ORDERED that the Motion is GRANTED.

SO ORDERED.

Date: _____

United States District Judge