

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

HUMANA INC., *and* AMERICANS FOR  
BENEFICIARY CHOICE,

*Plaintiffs,*

*v.*

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

*Defendants.*

Case No.: 24-cv-01004-O

**JOINT MOTION TO  
ESTABLISH A BRIEFING  
SCHEDULE**

Pursuant to Federal Rule of Civil Procedure 6(b), the parties jointly move the Court for an order establishing a modestly expedited schedule for briefing on Plaintiffs' forthcoming motion for summary judgment and Defendants' forthcoming cross-motion for summary judgment/ opposition to Plaintiffs' motion. The parties propose this schedule so as to make a final judgment possible by mid-April 2025, obviating the need for a motion for preliminary injunctive relief.

The parties thus respectfully request that the Court enter the following schedule:

- **November 25, 2024:** Defendants file the administrative record and a certified index to the administrative record
- **December 23, 2024:** Plaintiffs file a motion for summary judgment
- **January 24, 2025:** Defendants file a combined opposition and cross-motion
- **February 10, 2025:** Plaintiffs file a combined reply and opposition
- **February 28, 2025:** Defendants file a reply

Plaintiffs waive the requirement that Defendants file an answer to the complaint and agree that Defendants may raise threshold objections to the complaint, such as objections to venue, in their opposition/cross-motion. The parties propose this schedule in the view that it will allow the Court time to render final judgment by **mid-April 2025**.

A proposed scheduling order is attached.

Dated: November 7, 2024

Respectfully submitted,

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NORTHERN DISTRICT OF TEXAS

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**CERTIFICATE OF SERVICE**

On November 7, 2024, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that all parties have been served electronically by the Court's CM/ECF system.

/s/ Richard Salgado