

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
and STATE OF NEW JERSEY,

Plaintiff,

v.

DONALD J. TRUMP, *et al.*

Defendants,

LITTLE SISTERS OF THE POOR SAINTS
PETER AND PAUL HOME,

Defendant-Intervenors.

Civil No. 2:17-CV-04540-WB

DEFENDANT-INTERVENOR'S MOTION FOR SUMMARY JUDGMENT

Defendant-Intervenor Little Sisters of the Poor Saints Peter and Paul Home, by and through undersigned counsel, respectfully moves this Court for summary judgment on all counts pursuant to Federal Rule of Civil Procedure 56. In the alternative, Defendant-Intervenor respectfully requests that, if the Court accepts the States' arguments, the Court invalidate the regulations implementing the Mandate prior to October 13, 2017 pursuant to the States' arguments.

There are no genuine issues of material fact, and Defendants are entitled to judgment as a matter of law for the following reasons, as set forth in the attached Memorandum of Law:

1. The States lack Article III standing
2. The States cannot prevail on their claims that the Final Rule is substantively invalid.

3. The States cannot prevail on their claims that the Final Rule is procedurally invalid.

This Motion is supported by the attached Memorandum of Law, Defendant-Intervenor's Statement of Undisputed Facts, Defendant-Intervenor's Response to the Plaintiffs' Statement of Undisputed Facts, the Joint Appendix, and any additional material that may be considered by the Court.

Defendant-Intervenors request oral argument on this motion.

Dated: June 14, 2019

Respectfully submitted,

/s/ Mark Rienzi
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Counsel for Intervenor-Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

Dated: June 14, 2019

/s/ Mark Rienzi

Mark Rienzi

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