

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS, :
: Plaintiff, : Case No. 1:17-cv-11930-NMG
: :
v. :
: UNITED STATES DEPARTMENT OF :
: HEALTH AND HUMAN SERVICES *et al.*, :
: Defendants. :
: :

MOTION TO DISMISS AND FOR SUMMARY JUDGMENT

For the reasons stated in the accompanying memorandum, Defendants hereby move to dismiss Plaintiff's amended complaint [ECF No. 106] under Federal Rule of Civil Procedure 12(b) and, in the alternative, move for summary judgment under Federal Rule of Civil Procedure 56.

DATED: August 30, 2019

Respectfully submitted,

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/s/ Daniel Riess
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CERTIFICATE OF SERVICE

I certify that on August 30, 2019, I caused a copy of the foregoing to be filed electronically and that the document is available for viewing and downloading from the ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. If any counsel of record requires a paper copy, I will cause a paper copy to be served upon them by U.S. mail.

/s/ Daniel Riess