

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

STATE OF TEXAS, *et al.*,

Plaintiffs,

V.

CHIQUITA BROOKS-LASURE, in  
her official capacity as  
Administrator of the Centers for  
Medicare & Medicaid Services, *et al.*,

Defendants.

Case No. 6:21-cv-00191

## UNOPPOSED MOTION FOR LEAVE TO AMEND COMPLAINT

Plaintiffs the State of Texas and the Texas Health and Human Services Commission move for leave to amend their complaint. Their proposed First Amended Complaint is attached. The Court's leave is necessary because it is more than 21 days since the Defendants filed their motion to dismiss. Fed. R. Civ. P. 15(a)(2). The Defendants do not oppose this motion.

There is good cause to permit this amendment. As the Court observed at the preliminary-injunction hearing, the facts and circumstances have changed since the case was filed; the amended complaint concerns claims that could not have initially been brought because they arose after Texas first sued. The amended complaint involves the same parties and the same subjects as the original complaint; it will not fundamentally change the character of the case or require the addition of new parties.

The amendment will not delay the case, and as demonstrated by their non-opposition to this motion, the Defendants will not be prejudiced by the amendment.

For these reasons, Plaintiffs pray that the Court grant them leave to amend their complaint as shown in the proposed First Amendment Complaint.

Date: August 31, 2021

Respectfully submitted.

KEN PAXTON  
Attorney General of Texas

/s/ Judd E. Stone II  
JUDD E. STONE II  
Solicitor General

BRENT WEBSTER  
First Assistant Attorney General

*Lead Counsel*  
Texas Bar No. 24076720  
Judd.Stone@oag.texas.gov

GRANT DORFMAN  
Deputy First Assistant  
Attorney General

LANORA C. PETTIT  
Principal Deputy Solicitor General  
Texas Bar No. 24115221

LESLEY FRENCH  
Chief of Staff

WILLIAM T. THOMPSON  
Principal Deputy Chief, Special  
Litigation Unit  
Texas Bar No. 24088531

PATRICK SWEETEN  
Deputy Attorney General for  
Special Litigation

BENJAMIN D. WILSON  
Assistant Solicitor General  
Texas Bar No. 24084105

OFFICE OF THE ATTORNEY GENERAL  
P.O. Box 12548 (MC-059)  
Austin, Texas 78711-2548  
Tel.: (512) 936-1700  
Fax: (512) 474-2697

JEFFREY M. WHITE  
Special Counsel  
Texas Bar No. 24064380

LEIF A. OLSON  
Special Counsel  
Texas Bar No. 24032801

*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I certify that on August 31, 2021, this document was filed with the Court through its CM/ECF service, which served a copy on all counsel of record.

/s/ Judd E. Stone II  
JUDD E. STONE II

**CERTIFICATE OF CONFERENCE**

I certify that Plaintiffs have complied with the meet and confer requirement set forth in Local Rule CV-7(h). On August 27, 2021, Keri L. Berman, counsel for Defendants, represented that Defendants do not oppose Plaintiffs' motion to amend their complaint, and that Defendants do not concede through this consent that any of Plaintiffs' claims have merit or that Plaintiffs' amended allegations could survive a motion to dismiss.

/s/ Judd E. Stone II  
JUDD E. STONE II

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

STATE OF TEXAS, *et al.*,

Plaintiffs,

V.

CHIQUITA BROOKS-LASURE, in  
her official capacity as  
Administrator of the Centers for  
Medicare & Medicaid Services, *et al.*,

Defendants.

Case No. 6:21-cv-00191

## ORDER GRANTING LEAVE TO AMEND COMPLAINT

After considering their motion, the Court grants Plaintiffs leave to amend their complaint. The Clerk will file the proposed First Amended Complaint attached to the Plaintiffs' Unopposed Motion for Leave as the First Amended Complaint in this case.