

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

TEXAS MEDICAL ASSOCIATION, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, *et al.*,

Defendants.

No. 6:21-cv-00425-JDK

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE  
TO APPEAR BY VIDEO CONFERENCE**

The Defendants respectfully request that the Court grant them leave to appear at the hearing scheduled for February 4, 2022, by video conference. Due to the impending winter storm, it will be difficult for the undersigned counsel to appear in person for this hearing. The undersigned counsel has conferred with counsel for the Plaintiffs, who have stated that they prefer to appear in person for the hearing, but that they do not object to the Defendants' counsel's appearance by video conference. Good cause supports this request for the following reasons.

1. This Court has scheduled a hearing on the pending cross-motions for summary judgment for February 4, 2022. ECF No. 22.

2. The undersigned counsel is currently scheduled to travel from Washington, DC, to Dallas, Texas, on February 3, and from Dallas, Texas, to Tyler, Texas, by rental car on the same day to appear for this hearing. However, the National Weather Service has issued a winter storm warning for tomorrow that reports that travel could be nearly impossible in the Tyler area. There

is accordingly a substantial likelihood that the undersigned counsel would be unable to complete travel safely tomorrow to appear in person for the hearing on Friday.

3. The undersigned counsel is unable to travel today, due to both personal commitments and the need to complete and file the reply brief on the Defendants' cross-motion for summary judgment, which is due today.

4. The Defendants do not seek a continuance of the hearing date, but would be amenable to appearing in person on another date, if that is the Court's preference.

WHEREFORE, the Defendants respectfully request that the Court grant them leave to appear at the February 4 hearing by video conference.

Dated: February 2, 2022

Respectfully submitted,

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*Counsel for Defendants*

**CERTIFICATE OF CONFERENCE**

I hereby certify that counsel for the Defendants has complied with the meet and confer requirements of Local Rule CV-7. On February 2, 2022, counsel for the Plaintiff represented that the Plaintiff does not oppose the relief sought in this motion.

/s/ Joel McElvain  
JOEL McELVAIN

**CERTIFICATE OF SERVICE**

I hereby certify on this 2nd day of February, 2022, a true and correct copy of this document was served electronically by the Court's CM/ECF system to all counsel of record.

/s/ Joel McElvain  
JOEL McELVAIN

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**ORDER**

Before the Court is the Defendants' Motion for Leave to Appear by Video Conference. Having fully considered the motion, and finding that the motion is supported by good cause, the motion is GRANTED, and the Defendants are granted leave to appear for the hearing scheduled for February 4 by video conference.

IT IS SO ORDERED.