

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

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SUSAN NEESE, M.D., *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, *et al.*,

Defendants.

Civil Action No. 2:21-cv-163-Z

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Defendants Xavier Becerra, in his official capacity as Secretary of the U.S. Department of Health and Human Services, and the United States of America (collectively, "Defendants"), now move for summary judgment against all claims and causes of action asserted by Plaintiffs Dr. Susan Neese and Dr. James Hurly (collectively, "Plaintiffs"). Pursuant to local civil rule 56.3(b), each of the matters required by local civil rule 56.3(a) is set forth in the accompanying brief. For the reasons given therein, it is requested that summary judgment be granted in Defendants' favor and that this action be dismissed.

Dated August 26, 2022

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

MICHELLE BENNETT  
Assistant Branch Director

/s/ Jeremy S.B. Newman  
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**CERTIFICATE OF SERVICE**

On August 26, 2022, 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 I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jeremy S.B. Newman

Jeremy S.B. Newman

Trial Attorney

United States Department of Justice

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**[PROPOSED] ORDER**

Upon consideration of Plaintiffs' Motion for Summary Judgment and Defendants' Motion for Summary Judgment and the parties' briefs in support, opposition, and reply, it is hereby:

**ORDERED** that Defendants' Motion for Summary Judgment is **GRANTED**, and it is further

**ORDERED** that Plaintiffs' Motion for Summary Judgment is **DENIED**, and it is further

**ORDERED** that the Clerk shall enter judgment for Defendants and close this case.

**SO ORDERED.**

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Matthew J. Kacsmayk  
United States District Judge

Dated August 26, 2022

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

MICHELLE BENNETT  
Assistant Branch Director

/s/ Jeremy S.B. Newman  
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/s/ Jeremy S.B. Newman

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