

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

_____	)	
STATE OF LOUISIANA, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 3:21-CV-04370-TAD-KDM
	)	
XAVIER BECERRA, in his official capacity	)	
as Secretary of the United States Department	)	
of Health and Human Services, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**DEFENDANTS’ REPLY IN SUPPORT OF MOTION TO DISMISS, OR IN THE  
ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT REGARDING PLAINTIFF  
SANDY BRICK**

Two and a half years into the ongoing COVID-19 pandemic that has cost over one million Americans their lives, Plaintiff Sandy Brick continues to challenge an effort by the U.S. Department of Health and Human Services (“HHS”) to implement effective safety measures to protect Head Start students. HHS’s Interim Final Rule, Vaccine and Mask Requirements to Mitigate the Spread of COVID-19 in Head Start Programs, 86 Fed. Reg. 68,052-01 (Nov. 30, 2021) (the “Rule”), requires that adult Head Start staff be vaccinated against COVID-19, or otherwise qualify for an exemption, and that all Head Start participants over the age of two wear masks. All of Plaintiff’s claims fail on the merits, for the reasons explained in Defendants’ prior briefing. *See* Defs.’ Br. in Supp. of Their Mot. to Dismiss, or in the Alternative, Mot. for Summ. J. (“Defs.’ Br.”), ECF No. 32-2, *Brick v. Biden*, No. 2:21-cv-04386-TAD-KK (W.D. La. Apr. 29, 2022); Defs.’ Br. in Opp’n to Pls.’ Mot. for Summ. J. (“Defs.’ Opp’n”), ECF No. 122.

In her opposition to Defendants’ Motion to Dismiss, or in the Alternative, Motion for Summary Judgment, Plaintiff merely repeats arguments she already set forth in her own Motion for Summary Judgment, *see* Pl. Brick’s Mem. in Supp. of Cross-Mot. for Summ. J., ECF No. 111, which Defendants have already addressed in their opposition to that motion, *see* Defs.’ Opp’n. Thus, to avoid duplicative briefing, in support of their argument that Plaintiff has failed to establish that the Rule violates any statutory or constitutional provision, Defendants respectfully refer the Court to their brief supporting their Motion to Dismiss, or in the Alternative, Motion for Summary Judgment, ECF ECF No. 32-2, *Brick v. Biden*, No. 2:21-cv-04386-TAD-KK (W.D. La. Apr. 29, 2022), and their brief in opposition to Plaintiff’s Cross-Motion for Summary Judgment, ECF No. 122.

For the foregoing reasons, the Court should grant the Government’s Motion to Dismiss, or in the Alternative, Motion for Summary Judgment.

Dated: September 14, 2022

Respectfully submitted,

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