

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

STATE OF MISSISSIPPI; STATE OF ALABAMA; STATE OF ARKANSAS; COMMONWEALTH OF KENTUCKY; STATE OF LOUISIANA; STATE OF MISSOURI; and STATE OF MONTANA,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity as Secretary of Health and Human Services; THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; CHIQUITA BROOKS-LASURE, in her official capacity as Administrator of the Centers for Medicare and Medicaid Services; THE CENTERS FOR MEDICARE AND MEDICAID SERVICES; THE UNITED STATES OF AMERICA,

Defendants.

Case No. 1:22-cv-113-HSO-RPM

Plaintiffs' Motion for Summary Judgment

Oral Hearing Requested

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs—the States of Mississippi, Alabama, Arkansas, Louisiana, Missouri, and Montana and the Commonwealth of Kentucky—move for summary judgment on the sole claim of the amended complaint that the Anti-Racism Rule is unlawful and ultra vires. *See* Doc. 28. ¶¶57-65. Plaintiffs' motion is premised on the points and authorities set forth in their accompanying Memorandum of Law in Support of Plaintiffs' Motion for Summary

Judgment, filed simultaneously with this motion. Accordingly, Plaintiffs request an order granting Plaintiffs' motion for summary judgment and entry of judgment granting Plaintiffs all relief requested in the amended complaint. *See* Doc. 28 at 18.

Dated: June 9, 2023

Respectfully submitted,

s/ Scott G. Stewart

LYNN FITCH

Attorney General

Scott G. Stewart (MS Bar No. 106359)

Solicitor General

Justin L. Matheny (MS Bar No. 100754)

Deputy Solicitor General

MISSISSIPPI ATTORNEY

GENERAL'S OFFICE

P.O. Box 220

Jackson, MS 39205-0220

(601) 359-3680

scott.stewart@ago.ms.gov

justin.matheny@ago.ms.gov

s/ Cameron T. Norris

Cameron T. Norris*

CONSOVOY MCCARTHY PLLC

1600 Wilson Blvd., Ste. 700

Arlington, VA 22209

(703) 243-9423

cam@consovoymccarthy.com

s/ Edmund G. LaCour Jr.

STEVE MARSHALL

Attorney General

Edmund G. LaCour Jr.*

Solicitor General

OFFICE OF THE ALABAMA

ATTORNEY GENERAL

501 Washington Ave.

Montgomery, AL 36130

(334) 353-2196

Edmund.LaCour@AlabamaAG.gov

s/ Nicholas J. Bronni

LESLIE RUTLEDGE

Attorney General

Nicholas J. Bronni*

Solicitor General

OFFICE OF THE ARKANSAS

ATTORNEY GENERAL

323 Center Street, Suite 200

Little Rock, AR 72201

(501) 682-6302

nicholas.bronni@arkansasag.gov

s/ Aaron J. Silletto
DANIEL CAMERON
Attorney General
Aaron J. Silletto*
Assistant Attorney General
KENTUCKY OFFICE OF THE
ATTORNEY GENERAL
700 Capital Avenue, Suite 118
Frankfort, Kentucky
(502) 696-5439
Aaron.Silletto@ky.gov

s/ Scott St. John
JEFF LANDRY
Attorney General
Elizabeth B. Murrill*
Solicitor General
Scott St. John (MS Bar No. 102876)
Deputy Solicitor General
LOUISIANA DEPARTMENT OF JUSTICE
1885 N. Third Street
Baton Rouge, Louisiana 70804
(225) 326-6766
murrille@ag.louisiana.gov

s/ Joshua M. Divine
ANDREW BAILEY
Attorney General
Joshua M. Divine***
Solicitor General
Samuel C. Freedlund
OFFICE OF THE MISSOURI
ATTORNEY GENERAL
815 Olive Street
Suite 200
St. Louis, MO 63101
(314) 340-4869
Josh.Divine@ago.mo.gov
Samuel.Freedlund@ago.mo.gov

s/ Christian Corrigan
AUSTIN KNUDSEN
Attorney General
Christian Corrigan***
Solicitor General
MONTANA DEPARTMENT OF JUSTICE
215 North Sanders Street
Helena, MT 59601
christian.corrigan@mt.gov

*pro hac vice

**pro hac vice pending

***pro hac vice forthcoming

CERTIFICATE OF SERVICE

I e-filed this opposition with the Court, which will email everyone requiring service.

Dated: June 9, 2023

s/ Cameron T. Norris