

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

AMERICAN ASSOCIATION OF
ANCILLARY BENEFITS, a Florida
Limited Liability Company, and
PREMIER HEALTH SOLUTIONS, LLC,
a Texas Limited Liability Company,

Plaintiffs,

v.

XAVIER BECERRA, in his official
capacity, as SECRETARY OF THE
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
JULIE A. SU, in her official capacity, as
acting UNITED STATES SECRETARY OF
LABOR, and JANET YELLEN, in her
official capacity, as SECRETARY OF THE
UNITED STATES DEPARTMENT OF
THE TREASURY,

Defendants.

**UNOPPOSED MOTION FOR LEAVE-TO FILE PLAINTIFFS COMBINED REPLY
MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION FOR SUMMARY
JUDGMENT AND RESPONSE IN OPPOSITION TO DEFENDANTS' CROSS-
MOTION FOR SUMMARY JUDGMENT IN EXCESS OF PAGE LIMITS**

Plaintiffs respectfully request leave under Local Rule CV-7(k) to file a combined Reply Memorandum of Law in Support of their Motion For Summary Judgment and Response in Opposition To Defendants' Cross-Motion For Summary Judgment that exceeds the page limit of 10 pages under Local Rule CV-7(a)(2). The motion is made for good cause. Plaintiffs' Motion for Summary Judgment and Defendants' Cross-Motion addressed a range of arguments regarding the challenged regulation having exceeded the Departments' statutory authority, the bounds of constitutionality, and asserting an arbitrary and capricious nature under the Administrative

Procedure Act—among other claims. As Plaintiffs’ combined Reply memorandum and Cross-Response brief shows, an extension of pages is necessary to allow the Plaintiffs to fully address each of those arguments, as well as clarifications regarding the administrative record, and remedies. Therefore, Plaintiffs seek leave to file a brief of 21 pages.

Counsel for Defendants, having previously sought leave to file their brief in excess of page limits, had previously “conferred with counsel for Plaintiffs, who stated that Plaintiffs consent to [Defendants’] request on the condition that Defendants do not oppose a reciprocal request by Plaintiffs to file a combined response and reply brief of equal length (i.e., 40 pages)” and that “Defendants d[id] not oppose such request by Plaintiffs.” (Doc. 36). Counsel for Plaintiffs has since conferred again with counsel for Defendants and confirmed there is no opposition to exceed page limits for Plaintiffs 21-page combined brief. A proposed order is attached

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2025, a copy of the foregoing was filed electronically via the Court's ECF system, which effects service upon counsel of record.

Lead Counsel for Plaintiffs
Gonzales Taplin PA
s/Dominick L. Lanzito

CERTIFICATE OF CONFERENCE

I, Dominick L. Lanzito, one of the attorneys for Plaintiff, conferred via email with one of the attorneys for Defendants, U.S. Department of Justice Attorney, Kyla Snow, as required by Local Rule CV-7(h), regarding the **PLAINTIFFS' MOTION FOR LEAVE-TO FILE PLAINTIFFS COMBINED REPLY MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT AND RESPONSE IN OPPOSITION TO DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT IN EXCESS OF PAGE LIMITS**. Plaintiffs contacted Defendants via email on January 9, 2025, indicating the potential need for up to 22 pages. On January 10, 2025, Defendants agreed via email that the government consented to Plaintiffs filing a brief up to 22 pages in length.

Dated: January 10, 2026

Respectfully submitted,

By: s/Dominick L. Lanzito
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THE TREASURY,

Defendants.

**[PROPOSED] ORDER FOR PLAINTIFFS' COMBINED REPLY MEMORANDUM IN
SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT AND RESPONSE IN
OPPOSITION TO DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT**

Before this Court is Plaintiffs' Unopposed Motion for Leave to File Brief in Excess of Page Limits. After considering the Motion, the Court concludes that it should be granted.

It is therefore **ORDERED** that the Plaintiffs' Unopposed Motion for Leave to File Brief in Excess of Page Limits is **GRANTED**, and Plaintiffs' Combined Reply Memorandum In Support Of Their Motion For Summary Judgment And Response In Opposition To Defendants' Cross-Motion For Summary Judgment is deemed properly filed.

So ORDERED and SIGNED this ____ day of January, 2025.

DATE

PRESIDING JUDGE