

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

FRANCISCAN ALLIANCE, INC.;
SPECIALTY PHYSICIANS OF
ILLINOIS, LLC.;
CHRISTIAN MEDICAL &
DENTAL ASSOCIATIONS;

- and -

STATE OF TEXAS;
STATE OF WISCONSIN;
STATE OF NEBRASKA;
COMMONWEALTH OF
KENTUCKY, by and through
Governor Matthew G. Bevin;
STATE OF KANSAS; STATE OF
LOUISIANA; STATE OF
ARIZONA; and STATE OF
MISSISSIPPI, by and through
Governor Phil Bryant,

Plaintiffs,

v.

THOMAS E. PRICE, Secretary
of the United States Department of
Health and Human Services; and
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Defendants.

**PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Civ. Action No. 7:16-cv-00108-O

Plaintiffs, by and through their respective counsel, and pursuant to Federal Rule of Civil Procedure 56(a) and LR 56, respectfully move the Court for summary judgment on Counts I, II, XI, and XII of their First Amended Complaint (ECF No. 21). There are no genuine issues of material fact and Plaintiffs are entitled to judgment as a matter of law.

Plaintiffs specifically request the following relief against the Defendants, their officers, agents, employees, and attorneys:

1. A declaratory judgment that the Rule is invalid under the Administrative Procedure Act;
2. A declaratory judgment that the Rule violates the Religious Freedom Restoration Act;
3. A permanent injunction prohibiting Defendants from enforcing the Rule; and
4. An order vacating and remanding the unlawful portions of the Rule.

In support of this Motion, Plaintiffs adopt and incorporate by reference, as if fully stated herein, the arguments presented in support their prior motions for partial summary judgment and preliminary injunction, ECF Nos. 22, 23, 24, 25, 37, 56, and 57, as well as the evidence offered in support, ECF Nos. 26, 56-1, 57-1, and 60, and ask the Court to consider those filings and evidence in support of this Motion.

A brief in support of this Motion satisfying the requirements of Local Rule 56.3, an Appendix—consisting of the same evidence submitted to the Court at the preliminary injunction stage—and a proposed order and judgment are filed contemporaneously with this Motion.

Wherefore, the Plaintiffs respectfully request that judgment be entered in their favor and against Defendants.

Respectfully submitted this the 14th day of March, 2017.

/s/ Luke W. Goodrich

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OF KENTUCKY, by and through

Governor Matthew G. Bevin;

STATE OF KANSAS; STATE OF

LOUISIANA; STATE OF ARIZONA; and

STATE OF MISSISSIPPI, by and through

Governor Phil Bryant

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2017, I electronically filed the foregoing document through the Court's ECF system, which automatically serves notification of the filing on counsel for all parties.

/s/ Austin R. Nimocks
AUSTIN R. NIMOCKS