

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES HOUSE OF REPRESENTATIVES,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:14-cv-01967-RMC
)	
SYLVIA MATHEWS BURWELL, in her official)	
capacity as Secretary of Health and Human Services, <i>et al.</i> ,)	
)	
Defendants.)	
)	

DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT

The defendants, Sylvia Mathews Burwell, in her official capacity as Secretary of Health and Human Services; the United States Department of Health and Human Services; Jacob J. Lew, in his official capacity as Secretary of the Treasury; and the United States Department of the Treasury, respectfully move for summary judgment in their favor pursuant to Rule 56(a) of the Federal Rules of Civil Procedure with respect to those counts of the plaintiff’s complaint (Count I, and, in part, Count V) that have not previously been dismissed pursuant to this Court’s Order and Memorandum Opinion of September 9, 2015.

The grounds for this motion are set forth in the accompanying memorandum.

Dated: December 2, 2015

Respectfully submitted,

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

CHANNING D. PHILLIPS
United States Attorney

JENNIFER D. RICKETTS
Director

SHEILA LIEBER
Deputy Branch Director

 /s/ Joel McElvain
JOEL McELVAIN
Assistant Branch Director
MATTHEW J.B. LAWRENCE
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Washington, D.C. 20530
(202) 514-2988
Joel.McElvain@usdoj.gov

Counsel for the Defendants