

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

BAGLY, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES, *et al.*,

Defendants.

C.A. No. 1:20-cv-11297-PBS

DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT

Defendants United States Department of Health and Human Services; Alex M. Azar II, in his official capacity as Secretary of the United States Department of Health and Human Services; Roger Severino, in his official capacity as Director, Office for Civil Rights, U.S. Department of Health and Human Services; and Seema Verma, in her official capacity as Administrator for the Centers for Medicare and Medicaid Services, U.S. Department of Health and Human Services; respectfully submit this motion to dismiss the Amended Complaint filed by plaintiffs, Boston Alliance of Gay, Lesbian, Bisexual and Transgender Youth (BAGLY); Callen-Lorde Community Health Center; Campaign for Southern Equality; Darren Lazor; Equality California; Fenway Health; Indigenous Women Rising; NO/AIDS Task Force (d/b/a CrescentCare); and Transgender Emergency Fund of Massachusetts, ECF No. 18. In support of the motion to dismiss, defendants file the accompanying memorandum of reasons.

Dated: October 14, 2020

Respectfully submitted,

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/s/ Liam C. Holland

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LOCAL RULE 7.1(a)(2) CERTIFICATE

I hereby certify that I communicated with plaintiffs' counsel, Kirti Datla, on October 9, 2020, to provide notice of defendants' intent to file this motion. We were unable to resolve or narrow the issues therein.

/s/ Liam C. Holland
LIAM C. HOLLAND