

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JOHN KELLEY, *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, *et al.*,

Defendants.

Civil Action No. 4:20-cv-00283-O

**DEFENDANTS' RESPONSE
TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Defendants Xavier Becerra, in his official capacity as Secretary of Health and Human Services; Janet L. Yellen, in her official capacity as Secretary of the Treasury; Martin J. Walsh, in his official capacity as Secretary of Labor; and the United States, hereby respond to plaintiffs John Kelley, Joel Starnes, Gregory Scheideman, Zach Maxwell, Ashley Maxwell, Joel Miller, Kelley Orthodontics, and Braidwood Management Inc.'s motion for summary judgment. Pursuant to local civil rule 56.4(b), the matters required by local civil rule 56.4(a) are set forth in the accompanying brief. For the reasons discussed therein, Defendants request that Plaintiffs' motion be denied.

Respectfully submitted,

CHAD E. MEACHAM
United States Attorney

/s/ Brian W. Stoltz

Brian W. Stoltz
Assistant United States Attorney
Texas Bar No. 24060668
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
Telephone: 214-659-8626
Facsimile: 214-659-8807
brian.stoltz@usdoj.gov

BRIAN M. BOYNTON
Acting Assistant Attorney General

MICHELLE R. BENNETT
Assistant Branch Director

/s/ Christopher M. Lynch

CHRISTOPHER M. LYNCH
(D.C. Bar # 1049152)
JORDAN L. VON BOKERN
(D.C. Bar # 1032962)
Trial Attorneys
U.S. Department of Justice
Civil Division
1100 L Street, NW
Washington, D.C. 20005
Telephone: (202) 353-4537
Fax: (202) 616-8470
Email: Christopher.M.Lynch@usdoj.gov

Attorneys for Defendants Xavier Becerra,
Janet L. Yellen, Martin J. Walsh, and the United States

Certificate of Service

On January 28, 2022, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties who have appeared in the case electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Christopher M. Lynch
Christopher M. Lynch