

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

_____	)	
EAST TEXAS BAPTIST UNIVERSITY,	)	
<i>et al.</i> ,	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 4:12-cv-03009
	)	
KATHLEEN SEBELIUS, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**DEFENDANTS’ MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR  
SUMMARY JURGMENT**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), defendants hereby move to dismiss this action. In the alternative, defendants move for summary judgment on all of plaintiffs’ claims pursuant to Rule 56. The grounds for these motions are set forth in the accompanying memorandum.

Respectfully submitted this 20th day of September, 2013,

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 20, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice of such filing to all parties.

/s/ Jacek Pruski  
JACEK PRUSKI

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_____	)	

**[PROPOSED] ORDER**

Upon consideration of defendants’ motion to dismiss or, in the alternative, for summary judgment, any response and reply thereto, and the entire record herein, it is hereby ORDERED that defendants’ motion is GRANTED; and it is FURTHER ORDERED that this case is DISMISSED.

Date: \_\_\_\_\_

\_\_\_\_\_  
LEE H. ROSENTHAL  
UNITED STATES DISTRICT JUDGE