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

FRANCISCAN ALLIANCE, INC., *et al.*,

Plaintiffs,

v.

SYLVIA BURWELL, Secretary of the United States Department of Health and Human Services, *et al.*,

Defendants.

No. 7:16-cv-00108

DEFENDANTS' RESPONSE TO MOTION TO INTERVENE OF RIVER CITY GENDER ALLIANCE AND ACLU OF TEXAS

Defendants, Sylvia Burwell, in her official capacity as Secretary of the United States Department of Health and Human Services, and the Department of Health and Human Services, hereby respond to the Motion to Intervene of River City Gender Alliance and ACLU of Texas (Sept. 16, 2016), ECF No. 7. *See* Mem. of Law in Supp. of Mot. to Intervene (Sept. 16, 2016), ECF No. 8. River City Gender Alliance and the ACLU of Texas seek to intervene as defendants of right under Federal Rule of Civil Procedure 24(a) or, in the alternative, permissibly under Federal Rule of Civil Procedure 24(b). *See id.* at 1, 25. Defendants oppose intervention as-of-right under Rule 24(a) because defendants can adequately defend plaintiffs' claims in this case. Defendants take no position on permissive intervention under Rule 24(b).

Dated: October 7, 2016

Respectfully Submitted,

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/s/ *Adam Grogg*
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CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2016, I electronically filed a copy of the foregoing. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ *Adam Grogg*
ADAM GROGG