

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA

ASA MOSSMAN, <i>et al.</i> ,	:	
	:	CASE NO.:
	:	1:21-cv-0028-CJW-MAR
	:	
<i>Plaintiffs,</i>	:	
	:	
v.	:	
	:	
U.S. CENTERS FOR DISEASE	:	
CONTROL, <i>et al.</i> ,	:	
	:	
<i>Defendants.</i>	:	

PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56, Plaintiffs move for summary judgment in this matter on Counts I-IV and Count VIII of the First Amended Complaint against Defendants U.S. Centers for Disease Control and Prevention, U.S. Department of Health & Human Services, and Rochelle P. Walensky, Sherri A. Berger, and Xavier Becerra, in their respective official capacities (collectively “CDC”). The CDC’s Eviction Moratorium should be struck down and set aside as unlawful, a declaratory judgment entered declaring it unlawful *ab initio*, and an injunction should issue enjoining defendants from reissuing the Eviction Moratorium or any substantially similar regulation or order in the future.

Accompanying this motion pursuant to Local Rule 56 is 1) a brief in support of the motion (if leave to file granted); 2) a statement of facts not at issue; 3) and an appendix.

For the reasons set out herein, and in the accompanying documents, the Court should enter a summary judgment in favor of the Plaintiffs, declare that the CDC Order is unlawful *ab initio*, and enjoin Defendants from enforcing that Order or issuing a substantially similar Order or regulation in the future.

August 30, 2021

Respectfully,

Respectfully,

/s/ John J. Vecchione
John J. Vecchione (*pro hac vice*)

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/s/

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CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which sent notification of such filing to all counsel of record.

/s/ John J. Vecchione
John J. Vecchione
Counsel for Plaintiffs