

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

<hr/>		)	
AMERICAN MASSAGE THERAPY		)	
ASSOCIATION,		)	
		)	
Plaintiff,		)	
		)	
v.		)	Case Number: 1:24-cv-01670-RJL
		)	
U.S. DEPARTMENT OF EDUCATION and		)	
MIGUEL CARDONA,		)	
		)	
Defendants.		)	
<hr/>		)	

**PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

The plaintiff, the American Massage Therapy Association (“AMTA”), moves for summary judgment pursuant to Federal Rule of Civil Procedure 56 on Counts One and Two of its Complaint (ECF No. 1), which allege that the defendants’ final rule, located at 88 Fed. Reg. 74,568-710 and modifying 34 C.F.R. § 668.14(b)(26), violates section 706 of the Administrative Procedure Act.

Pursuant to LCvR 7, AMTA files herewith a memorandum of points and authorities in support of its motion, exhibits to that memorandum, and a proposed order. AMTA’s memorandum is incorporated herein by reference. AMTA’s memorandum contains a statement of facts with references to the relevant portions of the administrative record. AMTA will coordinate with counsel for the defendants concerning the preparation of the appendix required by LCvR 7(n).

**AMTA requests oral argument on this motion.**

Dated: November 26, 2024

/s/ Drew T. Dorner

John M. Simpson (D.C. Bar No. 256412)  
Drew T. Dorner (D.C. Bar No. 1035125)  
Duane Morris LLP  
901 New York Avenue NW, Suite 700 East  
Washington, D.C. 20001-4795  
Telephone: +1 202 776 7800  
Fax: +1 202 776 7801  
E-mail: jmsimpson@duanemorris.com  
E-mail: dtdorner@duanemorris.com

Edward M. Cramp (admitted *pro hac vice*)  
Deanna J. Lucci (admitted *pro hac vice*)  
Duane Morris LLP  
750 B Street, Suite 2900  
San Diego, CA 92101-4681  
Telephone: +1 619 744 2200  
Fax: +1 619 744 2201  
E-mail: emcramp@duanemorris.com  
E-mail: djlucci@duanemorris.com

*Attorneys for Plaintiff*