

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

PETER POE, et al.)	
)	
Plaintiffs,)	
v.)	Case No. 23-CV-00177-JFH-SH
)	
GENTNER DRUMMOND, et al.,)	
)	
Defendants.)	

**DEFENDANTS OU MEDICINE, INC. &
DR. RICHARD LOFGREN’S MOTION TO DISMISS**

Defendants 54–55 OU Medicine, Inc. (“OU Medicine”) and Dr. Richard Lofgren (in his official capacity as President and Chief Executive Officer of OU Health) (“Dr. Lofgren”) (together, “OU Health”) respectfully move the Court for an Order dismissing Count II (the sole claim asserted against Dr. Lofgren) and Count IV (the sole claim asserted against OU Medicine) of Plaintiffs’ Complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6).

In the interests of judicial efficiency and to avoid duplicative briefing for the Court to review, OU Health hereby joins and adopts by reference the arguments in the Motion to Dismiss filed by Defendants 15-53 (the “Motion”) pursuant to Fed. R. Civ. P. 10(c). *See also Nat’l Ass’n of Forensic Counselors, Inc. v. Narconon Int’l*, CIV-14-187-RAW, 2015 WL 5157538, at *1 (E.D. Okla. Sept. 2, 2015) (allowing incorporation by reference of a co-defendant’s arguments in a motion to dismiss). While OU Health adopts the Motion in its entirety, OU Health specifically adopts the arguments in Sections IV and V of the Motion as they relate to claims regarding Senate Bill 3 and the Hospital Defendants. [Doc 80, p. 21–25.]

Respectfully submitted this 16th day of June, 2023.

/s/ J. Craig Buchan

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of June, 2023, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the clerk will transmit a Notice of Electronic Filing to the following ECF registrants:

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