

**IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

STATE OF OKLAHOMA, ex rel. E. Scott Pruitt,
in his official capacity as Attorney General of
Oklahoma,

Plaintiff-Appellee,

v.

No. 14-7080

SYLVIA M. BURWELL, in her official capacity as
Secretary of Health and Human Services; and
JACOB J. LEW, in his official capacity as Secretary
of the Treasury,

Defendants-Appellants.

**UNOPPOSED MOTION FOR A SEVEN-DAY EXTENSION OF TIME
IN WHICH TO FILE OPENING BRIEF AND APPENDIX**

For the following reasons, the federal government respectfully requests a 7-day extension of time, to and including **November 25, 2014**, in which to file its opening brief and appendix. This motion is unopposed.

1. The federal government's opening brief and appendix are currently due November 18, 2014. Amicus briefs in support of the government are currently due November 25, 2014.

2. The federal government respectfully requests a 7-day extension of time, to and including November 25, 2014, in which to file its opening brief and appendix.

The extension is requested because the federal government intends to move to hold this

appeal in abeyance pending the Supreme Court's decision in *King v. Burwell*, No. 14-114, which presents the same issue as this case. The Supreme Court granted certiorari in *King* on Friday and a decision is expected this Term. Yesterday, the en banc D.C. Circuit issued an order holding proceedings in abeyance in *Halbig v. Burwell*, No. 14-5018, which presents the same issue that is presented in *King* and in this case. (A copy of the order is attached to this extension motion.)

Plaintiff is not yet able to state its position on the abeyance of this appeal. We request a 7-day extension of time for our opening brief so that resources are not expended unnecessarily in the preparation of our brief or the briefs of our amici.

3. Plaintiff has authorized us to state that it does not oppose this extension motion, on the understanding that we will consent to a like extension for plaintiff's responsive brief if this appeal is not held in abeyance.

Respectfully submitted,

MARK B. STERN

s/ Alisa B. Klein

ALISA B. KLEIN

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NOVEMBER 2014

CERTIFICATIONS

I hereby certify that on November 13, 2014, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

I further certify (1) that all required privacy redactions have been made; (2) that any paper copies of this motion are exact versions of the document filed electronically; (3) that the electronic submission was scanned for viruses and found to be virus-free.

/s/ Alisa B. Klein

Alisa B. Klein

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 14-5018

September Term, 2014

1:13-cv-00623-PLF

Filed On: November 12, 2014

Jacqueline Halbig, et al.,

Appellants

v.

Sylvia Mathews Burwell, in her official
capacity as U.S. Secretary of Health and
Human Services, et al.,

Appellees

BEFORE: Garland, Chief Judge; Henderson, Rogers, Tatel, Brown, Griffith,
Kavanaugh, Srinivasan, Millett, Pillard, and, Wilkins, Circuit
Judges; Edwards and Randolph, Senior Circuit Judges

ORDER

It is **ORDERED** that this case be removed from the oral argument calendar of December 17, 2014, and held in abeyance pending disposition by the Supreme Court of *King v. Burwell*, No. 14-114 (*cert. granted* Nov. 7, 2014).

The parties are directed to file motions to govern future proceedings within 30 days of the date of the Supreme Court's decision in *King v. Burwell*.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk