

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

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

v.

**SYLVIA MATHEWS 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.**

**No. 6:11-cv-00030-RAW**

**JOINT MOTION FOR LEAVE TO SUBMIT  
NOTICE OF SUPPLEMENTAL AUTHORITIES**

The parties have previously informed the Court of two recent decisions of the courts of appeals, which had addressed challenges to the same Treasury Department regulation that is at issue in this case. (ECF 110, ECF 111.) The parties jointly request leave to inform the Court of recent developments concerning those decisions.

First, the plaintiffs have filed a petition for a writ of certiorari from the decision of the United States Court of Appeals for the Fourth Circuit sustaining the Treasury regulation, and that petition remains pending. *King v. Burwell*, --- F.3d ---, 2014 WL 3582800 (4th Cir. Jul. 22, 2014), *petition for cert. filed*, 83 U.S.L.W. 3102 (U.S. Jul. 31, 2014) (No. 14-114).

Second, the United States Court of Appeals for the District of Columbia Circuit has granted the federal government’s petition for rehearing *en banc*, and has vacated the judgment of a panel that had invalidated the Treasury regulation. *Halbig v. Burwell*, --- F.3d ---, 2014 WL 3579745 (D.C. Cir. Jul. 22, 2014), *vacated and reh’g granted*, No. 14-5018 (D.C. Cir. Sept. 4, 2014).

The parties do not seek leave to submit additional analyses of these decisions.

DATED this 9th day of September, 2014.

s/ Patrick R. Wyrick  
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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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s/ Joel McElvain  
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