No. 16-5202

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

UNITED STATES HOUSE OF REPRESENTATIVES,
Plaintiff – Appellee,

v.

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

On Appeal from a Final Order of the U.S. District Court for the District of Columbia (Hon. Rosemary M. Collyer, U.S. District Judge)

NOTICE

Appellee the United States House of Representatives (the "House"), by counsel, respectfully advises that in light of the Court's order holding this case in abeyance, *see* Abeyance Order at 1 (Dec. 5, 2016) (ECF No. 1649251), the House understands that its time to respond to the motion for leave to intervene filed on December 20, 2016, *see* Mot. For Leave to Intervene (Dec. 20, 2016) (ECF No. 1651939), has not yet begun to run. *See Basardh v. Gates*, 545 F.3d 1068, 1069 (D.C. Cir. 2008) ("[a]n order granting a motion to hold a petition for review in abeyance *stays all proceedings in our court unless we direct otherwise*." (emphasis

added)). Accordingly, the House does not intend to file a response at this time.

The Abeyance Order directs the parties "to file motions to govern further proceedings by February 21, 2017," and the timing of any consideration of the motion to intervene can be addressed at that time as appropriate. In the event that the Court is inclined to order the filing of responses to the motion for leave to intervene prior to that time, the House also respectfully advises that due to the impending holidays, the press of business in the House Office of General Counsel, the transition from the 114th to the 115th Congress, and the pending change in Administration (including the need for the new Administration to take a position on the motion), the House would intend to seek an extension of time to respond until at least February 3, 2017.

Respectfully submitted,

/s/Thomas G. Hungar
THOMAS G. HUNGAR, D.C. Bar No. 447783
General Counsel
TODD B. TATELMAN, VA Bar No. 66008
Associate General Counsel
ELENI M. ROUMEL, NY Bar No. 3978863
Assistant General Counsel
KRISTIN SHAPIRO, D.C. Bar No. 1007010
Assistant General Counsel

OFFICE OF GENERAL COUNSEL
U.S. HOUSE OF REPRESENTATIVES
219 Cannon House Office Building
Washington, D.C. 20515

(202) 225-9700 (telephone)
(202) 226-1360 (facsimile)

Counsel for Appellee United States House of Representatives

December 23, 2016

CERTIFICATE OF SERVICE

I certify that on December 23, 2016, I filed the foregoing Notice via the Court's CM/ECF system, which I understand caused delivery of a copy to all registered parties.

/s/Todd B. Tatelman
Todd B. Tatelman