

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

DAVID KING, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 3:13-cv-00630-JRS
)	
KATHLEEN SEBELIUS, in her official capacity)	
as U.S. Secretary of Health and Human Services,)	
<i>et al.</i> ,)	
)	
Defendants.)	
_____)	

**DEFENDANTS’ MOTION TO STRIKE
PLAINTIFFS’ NOTICE OF RELATED FILING**

The defendants have moved to dismiss the complaint, or in the alternative, for summary judgment. (ECF 30.) That motion is fully briefed. The plaintiffs also have moved for summary judgment, and that motion is fully briefed. (ECF 5.) The plaintiffs now have filed a “notice of related filing in opposition to defendants’ cross-motion for summary judgment,” which attaches their counsel’s brief before the D.C. Circuit in *Halbig v. Sebelius*. (ECF 49.)

The plaintiffs’ notice should be stricken from the record. The plaintiffs have not filed a notice to inform this Court of supplemental authority. Instead, they are seeking to submit fifty-eight pages of additional briefing in support of their position with respect to the pending summary judgment motions. Their filing is improper under this Court’s Local Civil Rule 7(F)(1), which prohibits the filing of additional briefs with respect to pending motions, absent leave of Court.

Pursuant to this Court’s Local Civil Rule 7(E), counsel for the defendants has conferred with counsel for the plaintiffs to request that the plaintiffs voluntarily withdraw their notice.

The plaintiffs have confirmed that they will not do so voluntarily, thus requiring the filing of this motion.

WHEREFORE, the defendants respectfully request that the Court strike the “plaintiffs’ notice of related filing in opposition to defendants’ cross-motion for summary judgment,” docket entry no. 49, from the record in this case.

Dated: February 5, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of February, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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