

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

DAVID KING, <i>et al.</i> ,	)	
	)	
<i>Plaintiffs,</i>	)	No. 3:13-CV-630 (JRS)
	)	
v.	)	
	)	
KATHLEEN SEBELIUS, <i>et al.</i> ,	)	
	)	
<i>Defendants.</i>	)	

**PLAINTIFFS’ UNOPPOSED MOTION FOR LEAVE TO EXCEED PAGE LIMIT**

Plaintiffs respectfully move this Court for leave to exceed the page limit imposed by Local Rule 7(F) and to file a reply brief, not to exceed thirty pages, in support of their motion for a preliminary injunction. In support of this motion, counsel for Plaintiffs state as follows:

1. Plaintiffs moved for a preliminary injunction on September 19, 2013. (ECF 6.) The Government requested, and received, an extension of time, until October 16, 2013, to file their opposition. (ECF 11, 13.) Plaintiffs’ reply is due on October 23, 2013. (ECF 13.)
2. The Government also sought leave to exceed the page limits for its opposition. (ECF 16.) In particular, it requested to file a 40-page brief, thus exceeding the limit imposed by the Local Rules by 10 pages. (*Id.*) Recognizing that full presentation of the issues would benefit the Court, Plaintiffs did not oppose the request. (*Id.*) The Court granted it. (ECF 17.)
3. Additional pages will be necessary, in turn, for Plaintiffs to present a reply brief that would be of the most assistance to the Court. The Government’s opposition raised a number of purported threshold jurisdictional issues, which Plaintiffs did not contemplate in their opening brief. The Government’s opposition also defended the challenged regulation on the merits, by

presenting a number of arguments (relating to the Affordable Care Act's structure, purpose, and legislative history) that the IRS did not discuss when it promulgated the challenged rule—and which Plaintiffs therefore did not address in their opening brief. In order to adequately respond to all of these jurisdictional and merits arguments, Plaintiffs will need to exceed the page limit imposed by the Local Rules for reply briefs. Plaintiffs note that the opening briefs that they filed in support of their motions for summary judgment and for a preliminary injunction were nowhere close to the page limits for such briefs; they need additional pages now, however, to address the arguments that the Government raised for the first time in its opposition.

4. Counsel for Plaintiffs are working diligently to limit the length of the brief that they intend to file, but have determined that a brief in excess of the page limitations imposed by Local Rule 7(F)—but not to exceed 30 pages—will be required to adequately address the issues.

5. Counsel for Plaintiffs have contacted counsel for the Government, who state that they do not oppose the relief requested in this motion.

WHEREFORE, Plaintiffs respectfully request that the Court grant them leave to exceed the page limitations imposed by Local Civil Rule 7(F) and to file a reply brief, not to exceed 30 pages, in support of their preliminary injunction motion.

October 18, 2013

Respectfully submitted,

/s/ Jonathan Berry

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of October, 2013, 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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