

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**JACQUELINE HALBIG, et al.,** )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
**KATHLEEN SEBELIUS, in her official capacity** )  
 as U.S. Secretary of Health and Human Services, )  
*et al.,* )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

Case No. 1:13-cv-00623-RWR

**DEFENDANTS’ NOTICE WITH RESPECT TO THEIR MOTION  
TO DEFER BRIEFING ON SUMMARY JUDGMENT**

The defendants have moved to defer briefing with respect to the plaintiffs’ motion for summary judgment pending the resolution of the defendants’ forthcoming motion to dismiss the complaint. (ECF 18.) The plaintiffs have opposed this motion, asserting that they will “suffer irreparable harm” if a decision on the merits is not reached before the end of 2013. (ECF 19 at 3.) In particular, the business plaintiffs have asserted that, beginning on January 1, 2014, they will face potential liability for the tax applicable to large employers that fail to provide their employees with adequate health insurance coverage, 26 U.S.C. § 4980H.

On July 2, 2013, the Department of the Treasury announced that Section 4980H, which was due to take effect on January 1, 2014, will not take effect until January 1, 2015, for reasons that are discussed in the announcement. See [www.treasury.gov/connect/blog/Pages/Continuing-to-Implement-the-ACA-in-a-Careful-Thoughtful-Manner-.aspx](http://www.treasury.gov/connect/blog/Pages/Continuing-to-Implement-the-ACA-in-a-Careful-Thoughtful-Manner-.aspx). The business plaintiffs thus no longer require expedited briefing, even under their theory of the case. The individual plaintiffs’ assertion that they require expedited briefing is insubstantial, for the reasons that the defendants have previously discussed. (ECF 18, ECF 20.)

Dated: July 8, 2013

Respectfully submitted,

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          /s/ Joel McElvain            
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