

**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.)	OPPOSITION TO DEFENDANTS’
)	MOTION TO STRIKE PLAINTIFFS’
KATHLEEN SEBELIUS, <i>et al.</i> ,)	NOTICE OF RELATED FILING
)	
<i>Defendants.</i>)	
)	

On January 15, 2014, Defendants filed as a “notice of supplemental authority” a copy of the decision by the U.S. District Court for the District of Columbia in *Halbig v. Sebelius*, a case involving a challenge to the same IRS regulations at issue in this case. (ECF 46.) Nothing in the Local Rules expressly authorized that filing. Last week, the plaintiffs in *Halbig* filed a brief to the U.S. Court of Appeals for the District of Columbia Circuit, contending that the District Court had erred in its treatment of their challenge. Since Defendants had brought the District Court’s decision to this Court’s attention, Plaintiffs believed that the Court may be interested in seeing the briefs filed on appeal from that decision as well. They therefore filed a notice of that related filing, attaching a publicly available copy of the brief for this Court’s reference. (ECF 49.)

Local Rule 7(F) clearly does not bar that notice, just as it did not bar Defendants’ notice of supplemental authority. That Rule restricts the filing of unauthorized *briefs* in *this* case, not *notices* of briefs publicly filed in *other* cases. Having said that, if there is some procedural defect with Plaintiffs’ filing but this Court nonetheless believes that the appellate briefing in the *Halbig* case would be helpful to its consideration of the pending cross-motions, it may access the briefs (for *both* sides; Appellees’ brief is due on February 13, 2014) through the PACER database.

February 5, 2014

Respectfully submitted,

/s/ Jonathan Berry

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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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