

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

)	
UNITED STATES HOUSE OF REPRESENTATIVES,)	
)	
Plaintiff,)	
)	
v.)	Case No. 14-cv-01967-RMC
)	
SYLVIA MATHEWS BURWELL,)	
in her official capacity as Secretary of the United States)	
Department of Health and Human Services, et al.,)	
)	
Defendants.)	
)	

PLAINTIFF’S RESPONSE TO COURT’S SEPTEMBER 9, 2015 ORDER

Pursuant to this Court’s September 9, 2015 Order (ECF No. 42), Plaintiff United States House of Representatives (“House”) attempted to confer with Defendants regarding a jointly proposed briefing schedule for dispositive motions. In particular, on September 11, 2015, counsel for the House submitted to counsel for Defendants a proposed briefing schedule and asked to confer on a final joint submission to the Court.

Defendants’ counsel finally responded this afternoon with an email (attached) advising that Defendants will ask this Court to certify its September 9, 2015 ruling for immediate interlocutory appeal. Rather than participating in the submission of a joint proposed briefing schedule as ordered, Defendants’ counsel indicated that Defendants also would move to defer the deadline for submitting a proposed briefing schedule until after the disposition of Defendants’ certification motion. The House will oppose both motions.

Under these circumstances, a joint filing is not possible and, accordingly, the House now respectfully proposes, in compliance with the Court’s September 9 Order, the following schedule for further proceedings in this matter:

Friday, Oct. 2, 2015: Defendants shall file their Answer

Friday, Nov. 6, 2015: House shall file its Motion for Summary Judgment

Defendants shall file their Cross-Motion for Summary Judgment

Friday, Dec. 4, 2015: House shall file its Opposition to Defendants' Cross-Motion for Summary Judgment

Defendants shall file their Opposition to House's Motion for Summary Judgment

Friday, Dec. 18, 2015: House shall file its Reply to Defendants' Opposition to House's Motion for Summary Judgment

Defendants shall file their Reply to House's Opposition to Defendants' Cross-Motion for Summary Judgment

Respectfully submitted,

/s/ Jonathan Turley
JONATHAN TURLEY
D.C. Bar No. 417674

2000 H Street, N.W.
Washington, D.C. 20052
(202) 285-8163
jturley@law.gwu.edu

KERRY W. KIRCHER, General Counsel
D.C. Bar No. 386816
WILLIAM PITTARD, Deputy General Counsel
D.C. Bar No. 482949
TODD B. TATELMAN, Senior Assistant Counsel
ELENI M. ROUMEL, Assistant Counsel
ISAAC B. ROSENBERG, Assistant Counsel
D.C. Bar No. 998900
KIMBERLY HAMM, Assistant Counsel
D.C. Bar No. 1020989

OFFICE OF GENERAL COUNSEL
U.S. HOUSE OF REPRESENTATIVES
219 Cannon House Office Building
Washington, D.C. 20515
(202) 225-9700

Counsel for Plaintiff U.S. House of Representatives

September 21, 2015

CERTIFICATE OF SERVICE

I certify that on September 21, 2015, I served one copy of the foregoing Joint Response to Court's September 9, 2015 Order by CM/ECF on all registered parties.

/s/ Sarah Clouse

Sarah Clouse