

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

DOMINO'S FARMS CORPORATION
and THOMAS MONAGHAN,

No. 13-1654

Plaintiffs-Appellees,

v.

KATHLEEN SEBELIUS, in her official
capacity as Secretary of Health and Human
Services, et al.,

Defendants-Appellants

**Reply In Support Of Motion To Hold This Appeal In Abeyance; And
Response In Opposition To Plaintiffs' Motion To Dismiss This Appeal**

The government has moved to hold this appeal in abeyance pending this Court's decision in *Autocam Corp. v. Sebelius*, No. 12-2673 (6th Cir.), which was heard by this Court on June 11, 2013, and which presents substantially the same issues.

Although plaintiffs-appellees here have the benefit of the preliminary injunction entered by the district court, they have opposed our abeyance motion and also argued that our appeal should be dismissed for failure to prosecute. Our opening brief is not due until August 6, 2013, however, and if the Court does not

grant our abeyance motion, we intend to file our opening brief in accordance with the scheduling order entered by the Court.

Respectfully submitted,

MARK B. STERN
(202) 514-1597

/s Alisa B. Klein

ALISA B. KLEIN
(202) 514-1597
alisa.klein@usdoj.gov
Attorneys, Appellate Staff
Civil Division
U.S. Department of Justice
950 Pennsylvania Ave., N.W., Room 7235
Washington, D.C. 20530

July 3, 2013

CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2013, I filed and served the foregoing document on counsel of record through this Court's CM/ECF system.

/s Alisa B. Klein

Alisa B. Klein