

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
JACQUELINE HALBIG, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 13-0623 (PLF)
)	
KATHLEEN SEBELIUS,)	
U.S. Secretary of Health and Human)	
Services, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

ORDER

For the reasons stated in open court this same day, it is hereby

ORDERED that [Dkt. No. 23] defendants’ motion to dismiss the complaint is DENIED; it is

FURTHER ORDERED that, on or before 5:00 p.m. on October 24, 2013, the parties shall file a joint report proposing a schedule for summary judgment briefing. If the parties cannot agree on a briefing schedule, the parties are directed to attend a conference call on October 25, 2013, at 10:00 a.m.; and it is

FURTHER ORDERED that the parties’ briefs should address, but are in no way limited to, the following topics: (1) whether plaintiffs have met their burden at the summary judgment stage to establish standing; (2) whether employer plaintiffs, in particular, have alleged an injury that may be redressed in this action; (3) the applicability of the Anti-Injunction Act to employer plaintiffs; (4) whether the Administrative Procedure Act is the appropriate mechanism to challenge 26 C.F.R. § 1.36B-1(k); and (5) whether the agency’s construction of the Affordable

Care Act survives steps one and two of Chevron U.S.A., Inc. v. Natural Res. Def. Council, Inc.,
467 U.S. 837 (1984).

SO ORDERED.

DATE: October 22, 2013

/s/ _____
PAUL L. FRIEDMAN
United States District Judge