

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

JOSEPH B. HOLLAND, JR., and
JOE HOLLAND CHEVROLET, INC.,
a West Virginia Corporation,)

Plaintiffs,)

v.)

UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES; KATHLEEN
SEBELIUS, in her official capacity as the
Secretary of the United States Department of
Health and Human Services; UNITED STATES
DEPARTMENT OF LABOR; SETH D. HARRIS,
in his official capacity as Acting Secretary of the
United States Department of Labor; UNITED
STATES DEPARTMENT OF THE TREASURY;
JACOB J. LEW, in his official capacity as
Secretary of the United States Department of the
Treasury,)

Defendants.)

Civil Action No.
2:13-cv-15487

DEFENDANTS' MOTION TO DISMISS THE AMENDED COMPLAINT

Pursuant to Federal Rule of Civil Procedure 12(b)(6), defendants hereby move to dismiss this action. The grounds for this motion are set forth in the accompanying memorandum.

Respectfully submitted this 23rd day of August, 2013,

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IAN

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CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice of such filing to all parties.

s/ Michelle R. Bennett
MICHELLE R. BENNETT
Trial Attorney