

# United States Court of Appeals For the First Circuit

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No. 10-2204

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff, Appellee,

v.

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, ET AL.,

Defendants, Appellants.

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No. 10-2207

NANCY GILL, ET AL.,

Plaintiffs, Appellees,

KEITH TONEY; ALBERT TONEY, III,

Plaintiffs,

v.

OFFICE OF PERSONNEL MANAGEMENT, ET AL.,

Defendants, Appellants,

HILARY RODHAM CLINTON, in her official capacity as United States  
Secretary of State,

Defendant.

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No. 10-2214

DEAN HARA,

Plaintiff, Appellee/Cross - Appellant,

NANCY GILL, ET AL.,

Plaintiffs - Appellees,

KEITH TONEY, ET AL.,

Plaintiffs,

v.

OFFICE OF PERSONNEL MANAGEMENT, ET AL.,

Defendants, Appellants/Cross - Appellees,

HILARY RODHAM CLINTON, in her official capacity as United States  
Secretary of State,

Defendant.

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**ORDER OF COURT**  
**Entered: June 16, 2011**

The motion of the Bipartisan Legal Advisory Group of the United States House of Representatives ("the House") to intervene as a party appellant is granted. The federal defendants' motion to withdraw their opening brief is denied; however, the federal defendants may file a superseding brief. Briefing shall proceed on the following schedule:

**30 days after order allowing intervention:**

Opening brief of intervenor (the House) in Nos. 10-2204 and 10-2207

Superseding brief of appellants (the federal defendants) in Nos. 10-2204 and 10-2207

**30 days from above filings:**

Response brief of appellee (Commonwealth of Massachusetts) in No. 10-2204

Response brief of appellees (the Gill plaintiffs) in No. 10-2207 combined with opening brief of cross-appellant (Dean Hara) in No. 10-2214

**30 days from above filings:**

Reply brief of intervenor (the House) in Nos. 10-2204 and 10-2207

Reply brief of appellants (the federal defendants) in Nos. 10-2204 and 10-2207, combined with response brief of cross-appellees (the federal defendants) in No. 10-2214

**14 days from above filings:**

Reply brief of cross-appellant (Dean Hara) in No. 10-2214

So ordered.

By the Court:

/s/ Margaret Carter, Clerk.

cc:  
Counsel of Record