



U.S. Department of Justice

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April 9, 2013

BY ECF

The Honorable Frederic Block
United States District Judge
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Priests for Life v. Sebelius*, 12-cv-00753 (FB) (E.D.N.Y.)

Dear Judge Block:

Defendants hereby submit a notice of supplemental authority to alert the Court to new authority bearing on the issues raised in defendants’ pending Motion to Dismiss. The District Court for the Middle District of Florida recently dismissed a case like this one for lack of ripeness. *See Ave Maria Univ. v. Sebelius*, No. 2:12-cv-88, 2013 WL 1326638 (M.D. Fla. Mar. 29, 2013). In light of the enforcement safe harbor, the Notice of Proposed Rulemaking, and defendants “represent[at]ions] to this Court that the regulations are certain to change and that the government will never enforce them in their current form against Ave Maria or any similarly situated entities,” *id.* at 1 (quotations omitted), the court “join[ed] the overwhelming majority of courts to have addressed similar challenges by similarly situated plaintiffs in concluding that Ave Maria’s claims are not ripe for adjudication,” *id.*¹

The court in *Ave Maria University* thus joined the overwhelming majority of courts (21 out of 23, including one court of appeals) that have accepted defendants’ standing and/or ripeness arguments.

Respectf

ully submitted,

/s/
MICHELLE

Michelle R. Bennett
BENNETT

U.S.

Trial Attorney
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¹ The court did not address the question of standing.

CERTIFICATE OF SERVICE

I certify that on April 9, 2013, the foregoing document was served via the Court's ECF system upon the following parties and participants:

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