

IN THE UNITED STATES DISTRICT COURT CLERK'S OFFICE U.S. DIST. COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA AT LYNCHBURG, VA  
LYNCHBURG DIVISION FILED

NOV 07 2011

JULIA C. DUDLEY, CLERK  
BY: *Fay Colem*  
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LIBERTY UNIVERSITY, INC., a Virginia  
Nonprofit Corporation, MICHELE G.  
WADDELL, DAVID STEIN, M.D., JOANNE V.  
MERRILL, DELEGATE KATHY BYRON, and JEFF  
HELGESON,

*Plaintiffs,*

v.

TIMOTHY GEITHNER, Secretary of the Treasury  
of the United States, *in his official capacity*,  
KATHLEEN SEBELIUS, Secretary of the United  
States Department of Health and Human  
Services, *in her official capacity*,  
HILDA L. SOLIS, Secretary of the United  
States Department of Labor, *in her official  
capacity*, and ERIC HOLDER, Attorney General  
of the United States, *in his official capacity*,

*Defendants.*

CASE No. 6:10-cv-00015

ORDER

JUDGE NORMAN K. MOON

In accordance with the mandate issued by the United States Court of Appeals for the Fourth Circuit in *Liberty University, Inc. v. Geithner*, No. 10-2347 (4th Cir. Oct. 31, 2011), this court's Order of November 30, 2010, granting Defendants' motion to dismiss (docket no. 46) is hereby VACATED, and the case is DISMISSED for lack of jurisdiction. *See Liberty Univ., Inc. v. Geithner*, No. 10-2347, 2011 WL 3962915, at \*1 (Sept. 8, 2011), *petition for cert. filed* (U.S. Oct. 7, 2011) (No. 11-438) ("Because this suit constitutes a pre-enforcement action seeking to restrain the assessment of a tax, the Anti-Injunction Act strips us of jurisdiction. Accordingly,

we must vacate the judgment of the district court and remand the case with instructions to dismiss for lack of jurisdiction.”).

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

Entered this 7<sup>th</sup> day of November, 2011.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE