

IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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GENEVA COLLEGE; WAYNE L. HEPLER;  
THE SENECA HARDWOOD LUMBER  
COMPANY, INC., a Pennsylvania Corporation;  
WLH ENTERPRISES, a Pennsylvania Sole  
Proprietorship of Wayne L. Hepler; CARRIE  
E. KOLESAR,

No. 13-2814

Plaintiffs-Appellees,

v.

SYLVIA M. BURWELL, in her official  
capacity as Secretary of Health and Human  
Services, et al.,

Defendants-Appellants

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**MOTION FOR VOLUNTARY DISMISSAL OF APPEAL**

Pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure, the government respectfully moves to dismiss its appeal in this case. This motion concerns Appeal No. 13-2814 only and does not affect other pending appeals arising out of the same district court litigation.

Respectfully submitted,

MARK B. STERN  
(202) 514-1597

/s Alisa B. Klein

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ALISA B. KLEIN  
(202) 514-1597  
[alisa.klein@usdoj.gov](mailto:alisa.klein@usdoj.gov)  
Attorneys, Appellate Staff  
Civil Division  
U.S. Department of Justice  
950 Pennsylvania Ave., N.W., Room 7235  
Washington, D.C. 20530

September 3, 2014

## CERTIFICATIONS

I hereby certify to the following:

On September 3, 2014, I filed and served the foregoing motion on counsel of record through this Court's CM/ECF system.

This motion has been scanned for viruses using Microsoft Forefront Endpoint Protection (version 1.183.1427.0) and found to be virus free.

As counsel for the federal government, I am not required to be a member of the bar of this Court.

/s Alisa B. Klein

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Alisa B. Klein