

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
DR. JAMES L. SHERLEY, et al.)	
)	
Plaintiffs,)	Civil Action No. 1:09-cv-01575 (RCL)
)	
v.)	
)	
KATHLEEN SEBELIUS, et al.)	
)	
Defendants.)	
_____)	

NOTICE OF FILING

Defendants, Kathleen Sebelius, in her official capacity as Secretary of the United States Department of Health and Human Services, the United States Department of Health and Human Services, Dr. Francis S. Collins, in his official capacity as Director of the National Institutes of Health, and the National Institutes of Health (collectively "Defendants"), by and through undersigned counsel, hereby give notice of the filing in electronic copy on CD-ROM of the certified rulemaking record concerning the promulgation of the Guidelines at issue in the above-captioned matter. Defendants' certification of the rulemaking record and an index of the rulemaking record are included in the electronic copy on CD-ROM of the Administrative Record.

Dated: September 27, 2010

Respectfully submitted,

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Assistant Attorney General

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United States Attorney

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/s/ Joel McElvain

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CERTIFICATE OF SERVICE

I certify that on this 27th day of September, 2010, I caused a copy of the foregoing Defendant's Notice of Filing to be filed electronically and that the document is available for viewing and downloading from the ECF system.

I further certify that an electronic copy on CD-ROM of the rulemaking record referenced in the foregoing Notice of Filing was filed with the Clerk's Office and that an electronic copy on CD-ROM of the rulemaking record was sent by overnight delivery via Federal Express to counsel for the plaintiffs in this case.

/s/ Joel McElvain

 Joel McElvain