

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

NATIONAL VETERANS LEGAL  
SERVICES PROGRAM, *et al.*,  
*Plaintiffs,*

v.

UNITED STATES OF AMERICA,  
*Defendant.*

Case No. 16-745-ESH

**PLAINTIFFS' SUR-REPLY IN OPPOSITION TO MOTION TO DISMISS**

The government's reply makes two new points that warrant a short response. *First*, the government complains (at 6-7) that we have not responded to its statement of facts. *See* Local Civ. R. 7(h)(1). Accordingly, we are filing the attached statement, making clear that we do not dispute the government's six factual assertions—all of them legally irrelevant. *Second*, the government incorrectly contends (at 5) that we “have not alleged a statutory remedy that supports an illegal ex[]action claim.” We allege precisely that in our complaint, and the government offers no coherent response. *See* Compl. (Dkt. 1) at 14 ¶¶ 33-34; *see also* Class Cert Mot. (Dkt. 8) at 9-11.

Respectfully submitted,

*/s/ Deepak Gupta*

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August 17, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that on August 17, 2016, I filed the foregoing sur-reply through this Court's CM/ECF system, and that all parties required to be served have been thereby served.

/s/ Deepak Gupta

Deepak Gupta