

March 11, 2011

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
ORAL ARGUMENT NOTIFICATION**

**ORAL ARGUMENT NOTIFICATION** Please take notice that this case has been scheduled for oral argument. The time for notifying the Court of any conflict or filing any motion that would affect the scheduling of argument has expired. Therefore, the case will not be rescheduled absent a showing of good cause for the requested relief and that the relief could not have been requested within the notice period.

**CASE** No. 11-1057 (L), Commonwealth of Virginia v. Kathleen Sebelius  
3:10-cv-00188-HEH

**PLACE** U. S. Courthouse, Room 222 (Attorney Registration)  
1000 East Main Street \*\*\* **MAIN STREET ENTRANCE** \*\*\*  
Richmond, Virginia 23219

**DATE & REGISTRATION TIME** 05/10/2011  
**Register between 8:45 - 9:00**  
Daily arguments begin: 9:30 (any change in the order of cases is announced in the courtroom 10 minutes before court starts)

**ORAL ARGUMENT ACKNOWLEDGMENT FORM TO BE FILED WITHIN 5 DAYS** Any attorney arguing, as well as any attorney appearing on behalf of a separately represented co-defendant in a consolidated criminal case, must file the [ORAL ARGUMENT ACKNOWLEDGMENT FORM](#) within 5 days of service of this notification (click on this link or complete form at end of notice).

**COURTHOUSE INFORMATION**

- Picture identification and security screening are required for entry.
- Electronic devices (cell phones, blackberries, laptops, etc.) are prohibited. Any such device inadvertently brought to the courthouse must be left at the entrance (security officers assume no responsibility).

**(Please see next page)**

- Potential weapons are prohibited.
- Food & beverages are prohibited.
- For hearing assistance or other accommodation, contact the chief deputy clerk or calendar clerk.
- For directions, hotel & parking information, visit [www.ca4.uscourts.gov](http://www.ca4.uscourts.gov).

**COUNSEL FOR  
SEPARATELY  
REPRESENTED  
DEFENDANTS IN  
CRIMINAL CASES**

In criminal cases, an attorney must appear on behalf of each defendant separately represented unless the defendant signs a waiver of counsel's appearance and co-defendant's counsel certifies in advance of argument that he or she is prepared to argue on behalf of the defendant whose attorney is not present. CJA attorneys traveling by plane must call 804-916-2700 and request a CJA Travel Authorization to obtain government travel rates.

**ARGUMENT TIME**

Each side is normally allowed 20 minutes; if more than one attorney is arguing per side, they must agree on how the time is to be divided. In social security, black lung, and labor cases in which the issue is whether the agency's decision is supported by substantial evidence, and in criminal cases in which the issue is application of the sentencing guidelines, each side is limited to 15 minutes. In en banc cases, each side receives 30 minutes. Appellants & cross-appellants may reserve up to 1/3 of the time for rebuttal.

**IDENTITY OF  
PANEL & ORDER  
OF CASES**

The identity of the panel hearing a case is not disclosed until the morning of argument. The order of cases is subject to change until the morning of argument and is announced in the courtroom. Counsel should arrive at the courtroom 10 minutes early to hear any announcements.

(Please see next page)

**FOURTH CIRCUIT ORAL ARGUMENT ACKNOWLEDGMENT**

No. 11-1057 (L), Commonwealth of Virginia v. Kathleen Sebelius

**The following information is provided in response to the Court's Notification of Oral Argument:**

**Date of Oral Argument:** \_\_\_\_\_

**Attorney arguing:** \_\_\_\_\_ **Phone No.** \_\_\_\_\_

**Arguing on Behalf of:** \_\_\_\_\_

Attorney Appearing for Defendant but **Not** Arguing in Criminal Case: \_\_\_\_\_

**Argument Time:** If you know how much argument time you wish to use, please provide that information below; any desired changes may be made upon check-in on the morning of argument. If you have not decided upon your argument time, please return this form acknowledging that you will argue the case and provide your argument time when you check in on the morning of argument. Counsel arguing the case must be admitted to the Fourth Circuit, file an appearance of counsel form, and file this acknowledgment form.

- 20 minutes of argument time are allotted per side; all parties to a side must share oral argument time
- 15 rather than 20 minutes are allotted in social security, black lung & labor cases in which primary issue is whether substantial evidence supports agency decision, and in criminal cases in which primary issue is application of sentencing guidelines; 30 minutes are allotted in en banc cases
- Appellants and cross-appellants may reserve up to 1/3 of their time for rebuttal (7 out of 20 minutes)

**APPELLANT**

First Attorney arguing: _____	Opening Argument Time: _____
Any 2nd Attorney arguing: _____	Opening Argument Time: _____
Any 3rd Attorney arguing: _____	Opening Argument Time: _____

**APPELLEE OR APPELLEE-CROSS APPELLANT**

First Attorney arguing: _____	Answering Argument Time: _____
Any 2nd Attorney arguing: _____	Answering Argument Time: _____
Any 3rd Attorney arguing: _____	Answering Argument Time: _____

**APPELLANT OR APPELLEE-CROSS APPELLANT**

First Attorney arguing: _____	Rebuttal Argument Time: _____
Any 2nd Attorney arguing: _____	Rebuttal Argument Time: _____

I, \_\_\_\_\_, hereby certify that on this date, I electronically filed this document using the CMECF System, which will send notice of filing to the CMECF participants listed below and further certify that on this date I served any non-CMECF participants in the manner indicated below:

Date: \_\_\_\_\_ Signature: \_\_\_\_\_