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IN THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

THEODORE NICKEL,	)	
	)	
Plaintiff-Appellee	)	
	)	
v.	)	No. 11-1158
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant-Appellant	)	

U.S.C.A. - 7th Circuit  
FILED  
FEB 10 2011 GDD  
GINO J. AGNELLO  
CLERK

**UNITED STATES' MOTION TO FILE REPLY  
TO RESPONSE TO JURISDICTIONAL MEMORANDUM**

1. On January 20, 2011, the Court ordered the United States to file a memorandum addressing the Court's jurisdiction over this appeal. The United States filed that memorandum on February 3, 2011. The next day, the Court ordered Wisconsin Insurance Commissioner Theodore Nickel, the appellee, to file a response to the Government's memorandum. On February 8, 2011, the insurance commissioner filed his response.


2. Upon review of the insurance commissioner's response, we have determined that it omits an important fact, that it does not accurately reflect the position of the United States, and that it could be read as inviting an improper advisory opinion from this Court.

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3. Consequently, we have prepared a short, seven-page reply that addresses the three points raised above. We have submitted our reply along with this motion to file the same. We respectfully submit that our reply will assist the Court in its consideration of the jurisdictional issues presented by this appeal.

4. Counsel for the appellee opposes the granting of this motion.

WHEREFORE, it is respectfully requested that the Court accept for filing the United States' Reply to Response to Jurisdictional Memorandum submitted along with this motion.

  
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Dated: This 9th day of February, 2011.

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## CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2011, I served the foregoing document on the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by sending him a copy thereof in a properly addressed envelope via FedEx for overnight delivery. I further certify that I have served the foregoing document on counsel for all other parties by sending to each of them a copy thereof via FedEx or Express Mail for overnight delivery in envelopes addressed as follows:

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