

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

XP VEHICLES, INC. <i>et al.</i> ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:13-cv-00037 (KBJ)
	)	
THE UNITED STATES DEPARTMENT OF	)	
ENERGY <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**[PROPOSED] ORDER**

Upon consideration of Official-Capacity Defendants’ Motion to Dismiss Counts 2,3, and 4, Plaintiffs’ Memorandum in Opposition, and the applicable law, it is hereby **ORDERED** that the Official-Capacity Defendants’ Motion to Dismiss Counts 2,3, and 4 is **DENIED**.

SO ORDERED, on this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Ketanji Brown Jackson  
United States District Judge