

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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JAMES L. SHERLEY, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case Number 1:09-cv-01575-RCL
)	
KATHLEEN SEBELIUS, <i>et al.</i> ,)	
)	
Defendants.)	
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**RESPONSE TO PLAINTIFFS’ NOTICE REGARDING
MOTION OF THE COALITION FOR THE ADVANCEMENT OF
MEDICAL RESEARCH FOR LEAVE TO FILE BRIEF AMICUS CURIAE**

Although Plaintiffs do not dispute that they consented to the filing of a brief amicus curiae by the Coalition for the Advancement of Medical Research (“CAMR”), they now assert that their consent did not extend to the filing in the record of such a brief and any accompanying exhibits that might be attached. Filing in the court record of an amicus brief (and any accompanying supporting documents) is, of course, the normal result of granting a motion for leave to file such a brief. And the filing of supporting exhibits with such a brief in a District Court is not novel either.¹ Indeed, as the Court and counsel are aware, CAMR sought to file an exhibit with its prior proposed brief amicus curiae.

¹ See, e.g., *Petties v. District of Columbia*, No. 95-0148 (PLF), 2006 WL 1046943, *2-3 (D.D.C. April 21, 2006). See also *Management Ass’n for Private Photogrammetric Surveyors v. United States*, 492 F.Supp.2d 540, 544 (E.D. Va. 2007); *Blackman v. District of Columbia*, 321 F. Supp.2d 99, 103 (D.D.C. 2004).

If Plaintiffs wished to impose any limitation or conditions on their consent, they were free to do so in response to counsel's request. They did not.

To the extent Plaintiffs file a memorandum opposing any portion of the relief requested in CAMR's motion, CAMR will respond in accordance with the Court's rules.²

Respectfully submitted,

/s/ Andrew T. Karron

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Dated: September 29, 2010

² We note, however, that the bulk of the exhibits (although not all the exhibits) submitted in support of the proposed amicus brief consist of publicly available materials cited in the brief that were provided for the convenience of the Court and counsel.

CERTIFICATE OF SERVICE

I certify that on this 29th day of September, 2010, I caused a copy of the foregoing Response to Plaintiffs' Notice Regarding Motion of the Coalition for the Advancement of Medical Research for Leave to File Brief Amicus Curiae to be filed electronically and that the document is available for viewing and downloading from the ECF system.

/s/ Andrew T. Karron

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