

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
Pensacola Division**

**Case No.: 3:10-cv-91-RV/EMT**

**STATE OF FLORIDA, by and through  
PAM BONDI, ATTORNEY GENERAL  
OF THE STATE OF FLORIDA;**

**STATE OF SOUTH CAROLINA, by and through  
ALAN WILSON, ATTORNEY GENERAL  
OF THE STATE OF SOUTH CAROLINA;**

**STATE OF NEBRASKA, by and through  
JON BRUNING, ATTORNEY GENERAL  
OF THE STATE OF NEBRASKA;**

**STATE OF TEXAS, by and through  
GREG ABBOTT, ATTORNEY GENERAL  
OF THE STATE OF TEXAS;**

**STATE OF UTAH, by and through  
MARK L. SHURTLEFF, ATTORNEY GENERAL  
OF THE STATE OF UTAH;**

**STATE OF LOUISIANA, by and through  
JAMES D. "BUDDY" CALDWELL, ATTORNEY  
GENERAL OF THE STATE OF LOUISIANA;**

**STATE OF ALABAMA, by and through  
LUTHER STRANGE, ATTORNEY GENERAL  
OF THE STATE OF ALABAMA;**

**BILL SCHUETTE, ATTORNEY GENERAL  
OF THE STATE OF MICHIGAN, ON BEHALF OF  
THE PEOPLE OF MICHIGAN;**

**STATE OF COLORADO, by and through  
JOHN W. SUTHERS, ATTORNEY GENERAL  
OF THE STATE OF COLORADO;**

**COMMONWEALTH OF PENNSYLVANIA, by  
and through THOMAS W. CORBETT, Jr.,  
GOVERNOR OR THE COMMONWEALTH  
OF PENNSYLVANIA, and WILLIAM H. RYAN,**

**Jr., ACTING ATTORNEY GENERAL OF THE  
COMMONWEALTH OF PENNSYLVANIA;**

**STATE OF WASHINGTON, by and through  
ROBERT M. McKENNA, ATTORNEY GENERAL  
OF THE STATE OF WASHINGTON;**

**STATE OF IDAHO, by and through  
LAWRENCE G. WASDEN, ATTORNEY GENERAL  
OF THE STATE OF IDAHO;**

**STATE OF SOUTH DAKOTA, by and through  
MARTY J. JACKLEY, ATTORNEY GENERAL  
OF THE STATE OF SOUTH DAKOTA;**

**STATE OF INDIANA, by and through  
GREGORY F. ZOELLER, ATTORNEY GENERAL  
OF THE STATE OF INDIANA;**

**STATE OF NORTH DAKOTA, by and through  
WAYNE STENEHJEM, ATTORNEY GENERAL  
OF THE STATE OF NORTH DAKOTA;**

**STATE OF MISSISSIPPI, by and through  
HALEY BARBOUR, GOVERNOR OF  
THE STATE OF MISSISSIPPI;**

**STATE OF ARIZONA, by and through JANICE K.  
BREWER, GOVERNOR OF THE STATE OF ARIZONA,  
and THOMAS C. HORNE, ATTORNEY GENERAL OF  
THE STATE OF ARIZONA;**

**STATE OF NEVADA, by and through BRIAN SANDOVAL,  
GOVERNOR OF THE STATE OF NEVADA;**

**STATE OF GEORGIA, by and through SAMUEL S. OLENS,  
ATTORNEY GENERAL OF THE STATE OF GEORGIA;**

**STATE OF ALASKA, by and through  
JOHN J. BURNS, ATTORNEY GENERAL OF  
THE STATE OF ALASKA;**

**STATE OF OHIO, by and through MICHAEL DeWINE,  
ATTORNEY GENERAL OF THE STATE OF OHIO;**

**STATE OF KANSAS, by and through DEREK SCHMIDT,**

**ATTORNEY GENERAL OF THE STATE OF KANSAS;**

**STATE OF WYOMING, by and through MATTHEW  
H. MEAD, GOVERNOR OF THE STATE OF WYOMING;**

**STATE OF WISCONSIN, by and through J.B. VAN  
HOLLEN, ATTORNEY GENERAL OF THE  
STATE OF WISCONSIN;**

**STATE OF MAINE, by and through WILLIAM J.  
SCHNEIDER, ATTORNEY GENERAL OF THE  
STATE OF MAINE;**

**TERRY E. BRANSTAD, GOVERNOR OF THE STATE  
OF IOWA, ON BEHALF OF THE PEOPLE OF IOWA;**

**NATIONAL FEDERATION OF INDEPENDENT  
BUSINESS, a California nonprofit mutual benefit  
corporation;**

**MARY BROWN, an individual; and**

**KAJ AHLBURG, an individual;**

**Plaintiffs,**

**v.**

**UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES;  
KATHLEEN SEBELIUS, in her official  
capacity as the Secretary of the United States  
Department of Health and Human Services;  
UNITED STATES DEPARTMENT OF  
THE TREASURY; TIMOTHY F.  
GEITHNER, in his official capacity as the  
Secretary of the United States Department  
of the Treasury; UNITED STATES  
DEPARTMENT OF LABOR; and HILDA  
L. SOLIS, in her official capacity as Secretary  
of the United States Department of Labor,**

**Defendants.**

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**AMENDED NOTICE OF CROSS-APPEAL**

Notice is hereby given that all Plaintiff States as listed above – Florida, South Carolina,<sup>1</sup> Nebraska, Texas, Utah, Louisiana, Alabama, Michigan, Colorado, Pennsylvania, Washington, Idaho, South Dakota, Indiana, North Dakota, Mississippi, Arizona, Nevada, Georgia, Alaska, Ohio, Kansas, Wyoming, Wisconsin, Maine, and Iowa – hereby cross-appeal the above-referenced case to the United States Court of Appeals for the Eleventh Circuit from the adverse disposition of claims in the Final Summary Declaratory Judgment Order [Doc. 151] and the Order (and Memorandum Opinion) Granting Summary Judgment [Doc. 150], both entered January 31, 2011, and in the Order and Memorandum Opinion granting in part and denying in part Defendants’ motion to dismiss [Doc. 79], entered on October 14, 2010, and any other adverse rulings in this action.

Respectfully submitted,

**PAMELA JO BONDI**  
**ATTORNEY GENERAL OF FLORIDA**

/s/ Blaine H. Winship

Blaine H. Winship (Fla. Bar No. 0356913)

Special Counsel

Joseph W. Jacquot (Fla. Bar No. 189715)

Special Counsel

Scott D. Makar (Fla. Bar No. 709697)

Solicitor General

Louis F. Hubener (Fla. Bar No. 0140084)

Timothy D. Osterhaus (Fla. Bar No. 0133728)

Deputy Solicitors General

Office of the Attorney General of Florida

The Capitol, Suite PL-01

Tallahassee, Florida 32399-1050

Telephone: (850) 414-3300

Facsimile: (850) 488-4872

Email: [blaine.winship@myfloridalegal.com](mailto:blaine.winship@myfloridalegal.com)

*Attorneys for Plaintiff States*

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<sup>1</sup> The previously filed Notice of Cross-Appeal contained a scrivener’s error listing the State of North Carolina rather than the State of South Carolina as a party to the Notice of Cross-Appeal. The amendment is for no other purpose.

David B. Rivkin (D.C. Bar No. 394446)  
Lee A. Casey (D.C. Bar No. 447443)  
Baker & Hostetler LLP  
1050 Connecticut Avenue, N.W., Ste. 1100  
Washington, DC 20036  
Telephone: (202) 861-1731  
Facsimile: (202) 861-1783  
*Attorneys for Plaintiff States*

Katherine J. Spohn  
Special Counsel to the Attorney General  
Office of the Attorney General of Nebraska  
2115 State Capitol Building  
Lincoln, Nebraska 68508  
Telephone: (402) 471-2834  
Facsimile: (402) 471-1929  
Email: katie.spohn@nebraska.gov  
*Attorney for Plaintiff State of Nebraska*

Bill Cobb  
Deputy Attorney General  
for Civil Litigation  
Office of the Attorney General of Texas  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548  
Telephone: (512) 475-0131  
Facsimile: (512) 936-0545  
Email: bill.cobb@oag.state.tx.us  
*Attorney for Plaintiff State of Texas*

Clayton P. Kawski  
Assistant Attorney General  
Wisconsin Department of Justice  
17 W. Main St.  
Madison, WI 53707  
Telephone: (608) 266-7477  
Facsimile: (608) 267-2223  
Email: kawskicp@doj.state.wi.us  
*Attorney for Plaintiff State of Wisconsin*

### **CERTIFICATE OF SERVICE**

I hereby certify that, on this 11th day of March, 2011, a copy of the foregoing was served on all counsel of record for all parties through the Court's Notice of Electronic Filing system.

/s/ Blaine H. Winship  
Blaine H. Winship  
Special Counsel  
Office of the Attorney General of Florida