

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA (PENSACOLA)

STATE OF FLORIDA etc., et al, )  
Plaintiffs, ) Case No. 3:10-cv-0091-RV-EMT  
vs. )  
UNITED STATES DEPARTMENT OF )  
HEALTH AND HUMAN RESOURCES et al., )  
Defendants. )

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**PRO SE MOVANT INTERVENOR SMITH'S SUPPLEMENTAL  
MEMORANDUM OF LAW SUPPORTING MOTION**

Movant Intervenor Robert P. Smith, Jr., submits to the Court, in further support of his Motion for Intervention, that the evident failure of counsel for Plaintiffs and for Defendants *even to call to the Court's attention*, at the Court's conference at 9:00 a.m. on Wednesday, April 1<sup>A</sup><sub>2</sub>, when the undersigned was unable due to eye surgery to attend from Tallahassee, that Movant had served his Motion to Intervene on counsel 36 hours earlier (see Certificate of Service to Motion) and the Clerk had docketed his Motion that morning before 8:30 a.m., *proves without doubt that Movant was disadvantaged by the matter proceeding without resolution of the venue issue, and the Department of Justice was unwilling or unable to represent Movant's interests effectively – those being the only conceivably debatable objections, under law, to Movant's intervention.*

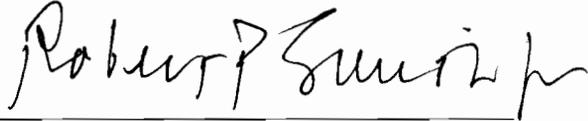
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PENSACOLA, FLA.

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Jmd  
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The appropriate remedy would be that the Court transfer the case at once to the Tallahassee Division for re-docketing, re-assignment and further proceedings according to the Schedule already ordered by the Court.

Respectfully,



Robert P. Smith, Jr., pro se Movant] Intervenor  
2007 Lee Avenue Tallahassee FL 32308

Tel. (850) 284-1604

Certificate of Service

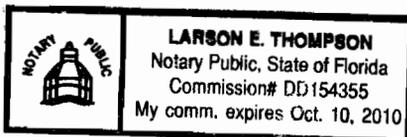
I DO CERTIFY that a copy hereof was furnished by e-mail to Asst. Att'y Gen. Blaine H. Winship, [blaine.winship@myfloridalegal.com](mailto:blaine.winship@myfloridalegal.com), counsel of record for plaintiffs, and by accustomed e-mail to Jennifer Rivera, [Jennifer.Rivera@usdoj.gov](mailto:Jennifer.Rivera@usdoj.gov), counsel for the United States, her verified and accustomed e-mail address, this April 15, 2010.



STATE OF FLORIDA

COUNTY OF LEON

SWORN TO AND SUBSCRIBED before me, the undersigned Notary Public, by Robert P. Smith, Jr., this April 15, 2010.

 (seal)