

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

STATE OF FLORIDA, by and  
through BILL McCOLLUM, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT  
OF HEALTH AND HUMAN  
SERVICES, *et al.*,

Defendants.

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

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Defendants, by undersigned counsel, hereby move the Court, pursuant to Federal Rule of Civil Procedure 56, for summary judgment on Claims One and Four of the Amended Complaint. The grounds for this motion are set forth in the accompanying memorandum of law.

Dated: November 4, 2010

Respectfully submitted,

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Assistant Attorney General

IAN HEATH GERSHENGORN  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on November 4, 2010, the foregoing document was filed with the Clerk of Court via the CM/ECF system, causing it to be served on Plaintiffs' counsel of record.

/s/ *Eric B. Beckenhauer*

ERIC B. BECKENHAUER