

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

**STATE OF FLORIDA, by and through  
Bill McCollum, et al.,**

**Plaintiffs,**

**v.**

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

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

**Defendants.**

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**PLAINTIFFS' STATEMENT OF POSITION ON  
MOTIONS FOR LEAVE TO FILE BRIEFS AS *AMICI CURIAE***

Pursuant to N.D. Fla. Loc. R. 7.1(B), Plaintiffs having been queried as to whether they support or object to proposed motions by non-parties for leave of Court to submit briefs as *amici curiae* on issues raised by the parties' recently-filed cross-motions for summary judgment, and being cognizant of the proper function of *amicus curiae* briefs and of the Court's Order on *Amicus Curiae* Filings dated June 14, 2010 [Doc. 50], hereby submit this Statement of their position on such motions.

Plaintiffs wish to promote a full and fair consideration of the important issues raised in the cross-motions, and do not want to stifle meaningful debate. In that regard, Plaintiffs, and in particular the Plaintiff States, are especially mindful of the potential desire of any sovereign State to be heard. Therefore, Plaintiffs consent to the filing of an *amicus curiae* brief by a sovereign State or Governor if it is otherwise consistent with the applicable Orders of this Court.

With regard to any other person or entity, Plaintiffs fully support the Court's methodology, set forth in its June 14, 2010, Order, for determining whether a non-party will be permitted to submit a brief as *amicus curiae* (*viz.*, by filing a timely motion identifying the interest of the party, the value to the Court of its submission for resolving the issues raised in the case, and the "unique information or perspective" offered by the party), and the limitations imposed on such a brief (*viz.*, no more than 15 pages, with no appendix or attachments).

Accordingly, except as indicated above, Plaintiffs will neither endorse nor oppose a specific request for leave to appear as *amicus curiae* in advance of the filing of a motion seeking such leave. Plaintiffs reserve the right, upon reviewing any such motion, to submit a response thereto. Plaintiffs further reserve the right, upon review of any *amicus curiae*'s brief, to seek leave to respond thereto, whether through additional pages for Plaintiffs' forthcoming summary judgment submissions, or through a separate submission.

Respectfully submitted,

**BILL MCCOLLUM**  
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### **CERTIFICATE OF SERVICE**

I hereby certify that, on this 8th day of November, 2010, a copy of the foregoing Plaintiffs' Statement of Position on Motions for Leave to File Briefs As *Amici Curiae* was served on counsel of record for all Defendants through the Court's Notice of Electronic Filing system.

/s/ Blaine H. Winship  
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