

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Richmond Division

COMMONWEALTH OF VIRGINIA,)
ex rel. Kenneth T. Cuccinelli, II, in his official)
capacity as Attorney General of Virginia,)

Plaintiff,)

v.)

Civil Action No. 3:10-cv-00188-HEH

KATHLEEN SEBELIUS, Secretary of the)
Department of Health and Human Services,)
in her official capacity,)

Defendant.)

_____)

**MOTION FOR LEAVE TO PARTICIPATE AS AMICUS CURIAE
IN SUPPORT OF PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT AND IN
OPPOSITION TO DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

Physician Hospitals of America (“PHA”), for the reasons set forth in its accompanying memorandum of law, respectfully moves this Court for leave to participate in the above-styled action as amicus curiae and to file the accompanying amicus brief in support of Plaintiff’s Motion for Summary Judgment and in opposition to Defendant’s Motion for Summary Judgment.

Dated: October 4, 2010

Respectfully submitted,

/s/ Scott C. Oostdyk

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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of October, 2010, I electronically filed the foregoing Motion for Leave to Participate as Amicus Curiae in Support of Plaintiff’s Motion for Summary Judgment and in Opposition to Defendant’s Motion for Summary Judgment with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to Earle Duncan Getchell, Jr., Charles E. James, Jr., Stephen R. McCullough, Wesley Glenn Russell, Ian Gershengorn, Joel McElvain, Jonathan Holland Hambrick, Sheila M. Lieber, and all counsel for Amici. A copy has also been served via first class, postage prepaid, U.S. Mail to Ray Elbert Parker, Pro Se, P.O. Box 320636, Alexandria, Virginia 22320.

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