

**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 FILE BRIEF OF
AMICUS CURIAE VIRGINIA ORGANIZING IN SUPPORT OF
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND
IN OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to this Court's Order and Fed. R. Civ. P. 83(b), Virginia Organizing respectfully moves this Court for leave to file its amicus brief attached hereto in support of Defendant's Motion for Summary Judgment and in Opposition to Plaintiff's Motion for Summary Judgment. For further support, movant incorporates its contemporaneously filed Memorandum.

Dated: October 4, 2010

Virginia Organizing, Amicus Curiae

/s/
Leonard Bennett

Leonard A. Bennett
VSB #37523

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CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2010, I electronically filed the foregoing by using the CM/ECF system. All participants in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

Dated: October 4, 2010

_____/s/_____
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