

**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.

**MEMORANDUM IN SUPPORT OF 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**

In support of its Motion for leave to appear as amicus curiae and to file its brief in support of Defendant’s Motion for Summary Judgment and in Opposition to Plaintiff’s Motion for Summary Judgment, Virginia Organizing states as follows:

Movant’s counsel has spoken with attorneys for both parties. The Commonwealth of Virginia consents to the filing of Virginia Organizing’s brief. The Secretary of the Department of Health and Human Services takes no position.

Virginia Organizing is a statewide membership organization established to empower Virginians who have traditionally had little or no institutional voice to work democratically for change. Virginia Organizing has identified access to health care as one of the major issues facing its members and other citizens in their communities. Virginia Organizing continues to

work on improving access to health care for moderate and low income Virginians. In 2008 and 2009, Virginia Organizing canvassed over 300,000 doors across the state, gathering information about problems facing health care consumers in Virginia. Over 70% of the Virginians surveyed were in favor of major health care reform. Hundreds of the Virginians surveyed reported struggling with debt from health care expenses.

A major commitment of Virginia Organizing is to educate the public about the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119 (2010), (“ACA”) *amended by* the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, 124 Stat. 1029 (2010). Its members are already benefiting from the ACA: young adults have returned to their parents' health insurance policies, adults are accessing the high-risk pool, and pre-existing condition limits for children have been eliminated. They have an interest in keeping those benefits, and in accessing benefits that will benefit their members in the future upon the ACA’s ongoing phasing of benefits.

Movant will provide a position and outlook not otherwise represented in the case as it is a Virginia organization constituted by citizens of the Commonwealth of Virginia. It has a uniquely Virginia expertise and knowledge base.

Dated: October 4, 2010

Virginia Organizing, Amicus Curiae

/s/
Leonard Bennett

Leonard A. Bennett
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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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