

**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. 3:10CV188-HEH
)	
KATHLEEN SEBELIUS,)	
SECRETARY OF THE DEPARTMENT)	
OF HEALTH AND HUMAN SERVICES,)	
in her official capacity,)	
)	
Defendant.)	

ORDER

THIS MATTER is before the Court on a Motion for Intervention (Dk. No. 144), submitted by Eve Ellingwood. Upon due consideration, this Motion is DENIED.

Pursuant to Federal Rule of Civil Procedure 24, a motion for intervention must be timely. Although this case has been pending before the Court since March 23, 2010, Movant’s motion was filed on October 5, 2010—less than two weeks before the scheduled hearing on cross-motions for summary judgment in this case. The Motion for Intervention is therefore untimely.

The Clerk is directed to send a copy of this Order to Movant and to all counsel of record.

It is SO ORDERED.

Date: OCT. 6, 2010
Richmond, VA

H /s/
Henry E. Hudson
United States District Judge