

FILED: January 20, 2011

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 11-1057 (L)  
(3:10-cv-00188-HEH)

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COMMONWEALTH OF VIRGINIA, EX REL. KENNETH T. CUCCINELLI, II, in  
his official capacity as Attorney General of Virginia

Plaintiff - Appellee

v.

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

Defendant - Appellant

v.

RAY ELBERT PARKER; AMERICAN CENTER FOR LAW & JUSTICE ET AL.;  
PHYSICIAN HOSPITALS OF AMERICA; SMALL BUSINESS MAJORITY  
FOUNDATION, INCORPORATED; CENTER FOR AMERICAN PROGRESS; FEDERAL  
RIGHTS PROJECT NATIONAL SENIOR CITIZENS LAW CENTER; WASHINGTON  
LEGAL FOUNDATION; LIBERTY GROUP; CONSTITUTIONAL LAW PROFESSORS;  
CATO INSTITUTE; LANDMARK LEGAL FOUNDATION; RANDY E. BARNETT,  
Professor; COMPETITIVE ENTERPRISE INSTITUTE; W. SPENCER  
CONNERAT, III; STEVEN J. WILLIS; PACIFIC LEGAL FOUNDATION; YOUNG  
INVINCIBLES; WILLIAM P. BARR; EDWIN MEESE, III; RICHARD L.  
THORNBURGH; EVE ELLINGWOOD, a/k/a Cohen Sternlight, Judge,  
Retired; AMERICAN CIVIL RIGHTS UNION; AMERICANS FOR FREE CHOICE  
IN MEDICINE; MOUNTAIN STATES LEGAL FOUNDATION; VIRGINIA  
ORGANIZING

Movants

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No. 11-1058  
(3:10-cv-00188-HEH)

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COMMONWEALTH OF VIRGINIA, EX REL. KENNETH T. CUCCINELLI, II, in  
his official capacity as Attorney General of Virginia

Plaintiff - Appellant

v.

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

Defendant - Appellee

v.

RAY ELBERT PARKER; AMERICAN CENTER FOR LAW & JUSTICE ET AL.;  
PHYSICIAN HOSPITALS OF AMERICA; SMALL BUSINESS MAJORITY  
FOUNDATION, INCORPORATED; CENTER FOR AMERICAN PROGRESS; FEDERAL  
RIGHTS PROJECT NATIONAL SENIOR CITIZENS LAW CENTER; WASHINGTON  
LEGAL FOUNDATION; LIBERTY GROUP; CONSTITUTIONAL LAW PROFESSORS;  
CATO INSTITUTE; LANDMARK LEGAL FOUNDATION; RANDY E. BARNETT,  
Professor; COMPETITIVE ENTERPRISE INSTITUTE; W. SPENCER  
CONNERAT, III; STEVEN J. WILLIS; PACIFIC LEGAL FOUNDATION; YOUNG  
INVINCIBLES; WILLIAM P. BARR; EDWIN MEESE, III; RICHARD L.  
THORNBURGH; EVE ELLINGWOOD, a/k/a Cohen Sternlight, Judge,  
Retired; AMERICAN CIVIL RIGHTS UNION; AMERICANS FOR FREE CHOICE  
IN MEDICINE; MOUNTAIN STATES LEGAL FOUNDATION; VIRGINIA  
ORGANIZING

Movants

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O R D E R

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The Court consolidates Case No. 11-1057 and Case No. 11-  
1058. The appellant in Case No. 11-1057 shall be considered the  
appellant for purposes of the consolidated appeals and shall

proceed first at briefing and at oral argument. Entry of appearance forms and disclosure statements filed by counsel and parties to the lead case are deemed filed in the secondary case.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk