

**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 OPPOSITION TO DEFENDANT’S MOTION TO DISMISS**

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 opposition to Defendant’s Motion to Dismiss.

Dated: June 15, 2010

Respectfully submitted,

/s/ Scott C. Oostdyk

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## CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of June, 2010, I electronically filed the foregoing Motion for Leave to Participate as Amicus Curiae in Opposition to Defendant's Motion to Dismiss with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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