

**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

Scott C. Oostdyk (VA Bar # 28512)
James L. Sanderlin (VA Bar # 05878)
J. Tracy Walker, IV (VA Bar # 31355)
H. Carter Redd (VA Bar # 34392)
Virginia L. Hudson (Nesbitt) (VA Bar # 73263)
Matthew D. Fender (VA Bar # 76717)
MCGUIREWOODS LLP
One James Center
901 E. Cary Street
Richmond, VA 23219
Tel: (804) 775-1000
Fax: (804) 775-1061
soostdyk@mcguirewoods.com
jsanderlin@mcguirewoods.com
twalker@mcguirewoods.com
credd@mcguirewoods.com
vnesbitt@mcguirewoods.com
mfender@mcguirewoods.com

ATTORNEYS FOR AMICUS CURIAE
PHYSICIAN HOSPITALS OF AMERICA

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:

Earle Duncan Getchell, Jr.
Charles E. James, Jr.
Stephen R. McCullough
Wesley Glenn Russell, Jr.
Office of the Virginia Attorney General
900 E. Main Street
Richmond, VA 23219

Jonathan Holland Hambrick
Office of the U.S. Attorney
600 E. Main Street, Suite 1800
Richmond, VA 23219

Erika Myers
Ian Gershengorn
Joel McElvain
Sheila M. Lieber
Department of Justice Federal Programs Branch
20 Massachusetts Avenue, NW
Room 7332
Washington, DC 20001

/s/ Scott C. Oostdyk
Scott C. Oostdyk (VA Bar # 28512)
MCGUIREWOODS LLP
One James Center
901 E. Cary Street
Richmond, VA 23219
Tel: (804) 775-1000
Fax: (804) 775-1061
soostdyk@mcguirewoods.com