

**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 Leave to Participate as Amicus Curiae in Opposition to Defendant’s Motion to Dismiss (Dk. No. 39), submitted by the Physician Hospitals of America. Upon due consideration, this Motion is GRANTED.

Movant is directed to file its Brief of Amicus Curiae Physician Hospitals of America in Opposition to Defendant’s Motion to Dismiss.

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

It is SO ORDERED.

  
\_\_\_\_\_/s/  
Henry E. Hudson  
United States District Judge

Date: June 16, 2010  
Richmond, VA