

**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.)
KATHLEEN SEBELIUS,)
Secretary of the Department)
of Health and Human Services,)
in her official capacity,)
Defendant.)

No. 3:10-cv-00188-HEH

**MOTION FOR LEAVE TO FILE BRIEF *AMICI CURIAE* OF
SMALL BUSINESS MAJORITY FOUNDATION, INC. AND THE MAIN STREET
ALLIANCE IN SUPPORT OF DEFENDANT’S MOTION TO DISMISS**

Pursuant to the Court’s Order of June 3, 2010 (Dkt. No. 23), Small Business Majority Foundation, Inc. (“SBMF”) and The Main Street Alliance (“MSA”), respectfully move the Court for leave to file the attached brief *amici curiae* in support of the Defendant’s Motion to Dismiss. This Motion and the Brief *Amici Curiae* are being filed within the time period established by the Court in its June 3, 2010 Order. The grounds for this motion are set forth in the attached Memorandum in Support of Motion for Leave to File Brief *Amici Curiae*. Also attached to this Motion are a Corporate and Financial Disclosure Statement pursuant to Local Rule 7.1 and a Proposed Order. The parties have consented to the filing of this Motion and to the filing of the Brief *Amici Curiae*.

June 17, 2010

Respectfully submitted,

/s/ John Hardin Young
John Hardin Young, VSB No. 13553
Joseph E. Sandler
Elizabeth F. Getman
Sandler, Reiff & Young, P.C.
300 M Street, S.E. Suite 1102
Washington, DC 20003
202.479.1111
young@sandlerreiff.com

*Counsel for Amici Curiae Small Business Majority
Foundation, Inc. and The Main Street Alliance*