

**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

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

Small Business Majority Foundation, Inc. (“SBMF”) and The Main Street Alliance (“MSA”) file this Memorandum in support of their Motion for Leave to File Brief *Amici Curiae* In Support of the Government’s Motion to Dismiss.

I. INTEREST OF *AMICI CURIAE*

“SBMF” is a national, nonpartisan organization, founded and run by small business owners across the United States. SBMF is a District of Columbia non-profit organization exempt from tax as an educational organization under section 501(c)(3) of the Internal Revenue Code. SBMF advocates the interests of small business owners and researches and disseminates policy proposals addressing the special interests and needs of small businesses. Over the past few years, SBMF has been focused on the biggest single problem facing small businesses: the skyrocketing cost of health care. The enactment and successful implementation of the Patient

entity that has filed an amicus brief to date in this action represent the views of the small business sector.

III. CONCLUSION

For the reasons set forth above, the Motion of Small Business Majority Foundation, Inc. and The Main Street Alliance for Leave to File a Brief *Amici Curiae* in Support of the Defendant's Motion to Dismiss should be granted.

June 17, 2010

Respectfully submitted,

/s/ John Hardin Young
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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June, 2010, I electronically filed the foregoing 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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