

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,)
As Secretary of the Department of)
Health and Human Services, in her)
Official Capacity,)
)
Defendant.)
_____)

No. 3:10-cv-00188-HEH

**MOTION FOR LEAVE TO PARTICIPATE AS *AMICUS CURIAE* OF
LIBERTY GUARD IN SUPPORT OF PLAINTIFF’S OPPOSITION
TO DEFENDANT’S MOTION TO DISMISS**

Pursuant to Rule 29(a) and (b) of the Federal Rules of Appellate Procedure, movant, Liberty Guard move the court for leave to participate as amicus curiae and file the accompanying *amicus* brief in support of the Plaintiff’s Opposition to the Defendant’s Motion to Dismiss.

I. CORPORATE & FINANCIAL DISCLOSURE STATEMENTS

Pursuant to Local Rule 7.1 of the Eastern District of Virginia, and to enable the District Judges and Magistrate Judges to evaluate possible disqualifications or recusal, the undersigned counsel for Liberty Guard certifies that there are no parents, trusts, subsidiaries, and/or affiliates of Liberty Guard that have issued shares or debt securities to the public.

Pursuant to Fourth Circuit Local Rule 26.1, Liberty Guard declares it is a nonprofit legal corporation dedicated to the defense of individual liberties secured by law. Liberty Guard states that it has no parent corporation and issues no stock. No publicly held corporation has a direct financial interest in the outcome of this litigation due to the Liberty Guard’s participation.

II. INTEREST OF MOVANTS

Liberty Guard, Inc. (“Liberty Guard”) is a national, nonprofit, nonpartisan organization with more than 4,000 members dedicated to protecting and defending individual liberty. Because this case involves the intersection of the limits of the powers granted to the federal government by the Constitution and significant individual liberties, its proper resolution is a matter of significant concern to Liberty Guard and its members.

Neither party solicited this brief. Liberty Guard has no relationship to either party and has not conferred with either the plaintiff or the defendant.

III. CONCLUSION

WHEREFORE, we request this court to grant the present motion and allow Movant to participate as *amicus curiae*.

Respectfully submitted:

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CERTIFICATE

I certify that I will file this document with the Clerk of the Court through the Courts ECF procedures on this 17th day of June 2010, where the Clerk of the Court will issue an NEF to the following parties:

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and that I will serve by first class mail, postage prepaid, a copy of this pleading to:

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