



2. The parties have filed cross-motions for summary judgment, and the parties completed briefing on these motions on May 19, 2014. ECF 99. The movant, thus, seeks leave to participate in this case sixteen days after briefing has closed in this case.

3. The defendants would not have opposed the participation of *amici* in this case before briefing on the cross-motions for summary judgment closed. The participation of *amici* at this stage in the proceedings, however, would unduly complicate the resolution of the case. Multiple *amicus* briefs have been filed, in support of both the appellants and the appellees, in the cases pending in the courts of appeals addressing the issue presented in this case. *Halbig v. Sebelius*, No. 14-5018 (D.C. Cir.); *King v. Sebelius*, No. 14-1158 (4th Cir.). If *amicus* briefs were to be allowed at this stage in the proceedings in this case, some of the parties that participated in the appellate briefing may seek leave to participate here as well.

4. If *amicus curiae* briefs were to be permitted after the close of briefing on the summary judgment motions, the defendants would ask to be afforded the opportunity to respond to any filings in support of the plaintiff. Similarly, the plaintiff would likely seek the opportunity to respond to any filings in support of the defendants.

5. As a result, briefing in this matter would be unnecessarily complicated, and the resolution of this matter would be unnecessarily delayed.

6. The movant does not attempt to explain why it did not seek leave to participate in this case in a timely manner. Nor is there any apparent justification for the movant's late filing.

WHEREFORE, the defendants respectfully ask that the Courts deny the movant's request for leave to file an *amicus curiae* brief in this matter.

DATED this 5th day of June, 2014.

Respectfully submitted,

STUART F. DELERY  
Assistant Attorney General

MARK F. GREEN  
United States Attorney

SUSAN S. BRANDON  
Assistant United States Attorney

s/ Joel McElvain

JENNIFER D. RICKETTS

Director

SHEILA M. LIEBER

Deputy Director

JOEL McELVAIN (D.C. Bar #448431)

Senior Trial Counsel

United States Department of Justice

Civil Division, Federal Programs Branch

20 Massachusetts Avenue, N.W.

Washington, D.C. 20001

Phone: (202) 514-2988

Fax: (202) 616-8202

Email: Joel.McElvain@usdoj.gov

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 5, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

E. Scott Pruitt  
Patrick R. Wyrick  
Office of the Attorney General  
313 NE 21st St.  
Oklahoma City, Oklahoma 73105

I also hereby certify that, on June 5, 2014, I served the following persons with this pleading, by mailing paper copies thereof by express delivery addressed to:

Leah Farish  
2834 E. 26<sup>th</sup> Place  
Tulsa, OK 74114

Peter Ferrara  
American Civil Rights Union  
20594 Wooldmere Court  
Sterling, VA 20165

s/ Joel McElvain  
JOEL McELVAIN