

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
RONNIE MAURICE STEWART, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:18-cv-152(JEB)
)	
ALEX M. AZAR II, et al.,)	
)	
Defendants.)	
_____)	

**MOTION OF DEANS, CHAIRS AND SCHOLARS FOR LEAVE TO FILE A
BRIEF *AMICUS CURIAE* IN SUPPORT OF PLAINTIFFS**

Deans, Chairs, and Scholars, (collectively the “Scholars”) respectfully request leave to file the attached brief as *amicus curiae* in support of plaintiffs. Counsel for plaintiffs has advised that plaintiffs consent to the filing of this brief. Counsel for the federal defendants has advised that the federal defendants consent to the filing of this brief. Counsel for the intervening defendant, the Commonwealth of Kentucky, has advised that the Commonwealth takes no position on the filing of this brief.

In general, district courts have “broad discretion to permit . . . participation in this suit as an *amicus curiae*.” *Nat’l Ass’n of Home Builders v. U.S. Army Corps of Engineers*, 519 F. Supp. 2d 89, 93 (D.D.C. 2007). This Court permits the submission of briefs as *amicus curiae* where the brief provides “timely and useful” information for the Court to consider. *Ellsworth Assocs., Inc. v. United States*, 917 F. Supp. 841, 846 (D.D.C. 1996) (internal citation omitted).

Here, the Scholars are researchers and academics who are experts in the fields of health law, health policy, health services research, and the Medicaid program. The Scholars seek to use

their expertise to place this litigation and its potential impact in context by informing the Court of the history of Section 1115 of the *Social Security Act*, the essential elements of Medicaid demonstration evaluation, the validity of the assumptions on which defendants' actions rest, and the likely effects of permitting defendants' actions to take effect in Kentucky and Nationwide.

As the attached brief demonstrates (Attachment A), the Scholars have an important perspective to offer on the harms low income persons will face if defendants prevail. The Scholars' brief will aid this Court by "assisting in a case of general public interest, supplementing the efforts of counsel and drawing the court's attention to law that might otherwise escape consideration." *Funbus Sys., Inc. v. Cal. Pub. Util. Comm'n*, 801 F.2d 1120, 1125 (9th Cir. 1986), citing *Miller-Wohl Co. v. Commissioner of Labor & Industry*, 694 F.2d 203, 204 (9th Cir.1982).

No party or counsel for a party authored this motion or the attached brief in whole or in part. This motion and the attached brief were prepared on a pro bono basis.

For the foregoing reasons, the instant motion should be granted.

Respectfully Submitted,

/s/ Edward T. Waters
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CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2018, I caused the foregoing document to be served on the parties' counsels of record electronically by means of the Court's CM/ECF system.

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