

## I. STANDING

As a threshold matter, we consider the government's challenge to the plaintiffs' standing to bring this lawsuit. "[Article III](#) of the Constitution limits the jurisdiction of federal courts to 'cases' and 'controversies.'" *Socialist Workers Party v. Leahy*, [145 F.3d 1240](#), [1244](#) (11th Cir. 1998) (citations omitted). As we have explained:

The case-or-controversy constraint, in turn, imposes a dual limitation on federal courts commonly referred to as "justiciability." Basically, justiciability doctrine seeks to prevent the federal courts from encroaching on the powers of the other branches of government and to ensure that the courts consider only those matters that are presented in an adversarial context. Because the judiciary is unelected and unrepresentative, the Article III case-or-controversy limitation, as embodied in justiciability doctrine, presents an important restriction on the power of the federal courts.

*Id.* (citations omitted). Indeed, there are "three strands of justiciability doctrine — standing, ripeness, and mootness — that go to the heart of the Article III case or controversy requirement." *Harrell v. The Fla. Bar*, [608 F.3d 1241](#), [1247](#) (11th Cir. 2010) (quotation marks and alterations omitted).

As for the first strand, "[i]t is by now axiomatic that a plaintiff must have standing to invoke the jurisdiction of the federal courts." *KH Outdoor, LLC v. City of Trussville*, [458 F.3d 1261](#), [1266](#) (11th Cir. 2006). "In essence the question of standing is whether the litigant is entitled to have the court decide the merits of the dispute or of particular issues." *Primera Iglesia Bautista Hispana of Boca Raton, Inc. v. Broward Cnty.*, [450 F.3d 1295](#), [1304](#) (11th Cir. 2006) (quotation marks omitted). To demonstrate standing, a plaintiff must show that "(1) he has suffered, or imminently [\*1243] will suffer, an injury-in-fact; (2) the injury is fairly traceable to [the statute]; and (3) a favorable judgment is likely to redress the injury." *Harrell*, [608 F.3d at 1253](#); *see also Lujan v. Defenders of Wild-life*, [504 U.S. 555](#), [560-61](#), [112 S.Ct. 2130](#), [2136](#), [119 L.Ed.2d 351](#) (1992). "The plaintiff bears the burden of establishing each of these elements." *Elend v. Basham*, [471 F.3d 1199](#), [1206](#) (11th Cir. 2006). And standing must be established for each claim a plaintiff raises. *See Harrell*, [608 F.3d at 1253-54](#). "We review standing determinations *de novo*." *Bochese v. Town, of Ponce Inlet*, [405 F.3d 964](#), [975](#) (11th Cir. 2005).

In fact, "[s]tanding is a threshold jurisdictional question which must be addressed prior to and independent of the merits of a party's claims." *Id. at 974* (quotation marks and alteration omitted). And "we are obliged to consider questions of standing regardless of whether the parties have raised them." *Id. at 975*.

Notably, the government does not contest the standing of the individual plaintiffs or of the NFIB to challenge the individual mandate. In fact, the government expressly concedes that one of the individual plaintiffs [\*\*5] — Mary Brown — has standing to challenge the individual mandate. *See* Government's Opening Br. at 6 n. 1 ("Defendants do not dispute that plaintiff Brown's challenge to the minimum coverage provision is justiciable."). Nor does the government dispute the state plaintiffs' standing to challenge the Medicaid provisions.

The only question raised by the government is whether the state plaintiffs have standing to challenge the individual man-date. The government claims that the state plaintiffs do not have standing because they are impermissibly suing the government as *parens patriae* — or as representatives of their citizens — in violation of the rule articulated in *Massachusetts v. Mellon*, [262 U.S. 447](#), [485-86](#), [43 S.Ct. 597](#), [600](#), [67 L.Ed. 1078](#) (1923).<sup>[fn6]</sup> The state plaintiffs respond that they are not in violation of the *Mellon* rule, but rather have standing to challenge the individual man-date for three independent reasons: first, because the increased enrollment in Medicaid spurred by the individual mandate will cost the states millions of dollars in additional Medicaid funding; second, because they are injured by other provisions of the Act — such as the Medicaid expansion — from which the individual mandate cannot be severed; and finally, because the individual mandate intrudes upon their sovereign interest in enacting and enforcing state statutes that shield their citizens from the requirement to purchase health insurance. States' Opening Br. at 67-69.

[1] Although the question of the state plaintiffs' standing to challenge the individual mandate is an interesting and difficult one, in the posture of this case, it is purely academic and one we need not confront today. The law is abundantly clear that so long as at least one plaintiff has standing to raise each claim — as is the case here — we need not address whether the remaining plaintiffs have standing. *See, e.g., Watt v. Energy Action Educ. Found.*, [454 U.S. 151](#), [160](#), [102 S.Ct. 205](#), [212](#), [70 L.Ed.2d 309](#) (1981) ("Because we find California has standing, we do not consider the standing of the other plaintiffs."); *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, [429 U.S. 252](#), [264](#) & n. 9, [97 S.Ct. 555](#), [562](#) & n. 9, [50 L.Ed.2d 450](#) (1977) ("Because of the presence of this plaintiff, we need not consider whether the other [\*1244] individual and corporate plaintiffs have standing to maintain suit."); *ACLU of Fla., Inc. v. Miami-Dade Cnty. Sch. Bd.*, [557 F.3d 1177](#), [1195](#) (11th Cir. 2009) ("Because Balzli has standing to raise those claims, we need not decide whether either of the organizational plaintiffs also has standing to do so."); *Jackson v. Okaloosa Cnty.*, [21 F.3d 1531](#), [1536](#) (11th Cir. 1994) ("In order for this court to have jurisdiction over the claims before us, at least one named plaintiff must have standing for each of the claims."); *Mountain States Legal Found. v. Glickman*, [92 F.3d 1228](#), [1232](#) (D.C. Cir. 1996) ("For each claim, if constitutional and prudential standing can be shown for at least one plaintiff, we need not consider the standing of the other plaintiffs to raise that claim."). Because it is beyond dispute that at least one plaintiff has standing to raise each claim here — the individual plaintiffs and the NFIB have standing to challenge the individual man-date, and the state plaintiffs undeniably have standing to challenge the Medicaid provisions [<sup>\*\*6</sup>] — this case is justiciable, and we are permitted, indeed we are obliged, to address the merits of each. Accordingly, we turn to the constitutionality of the Act.