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18 *Counsel for Amicus Curiae*
19 *The Buckeye Institute*

20 IN THE UNITED STATES DISTRICT COURT
21 DISTRICT OF ARIZONA

22 State of Arizona,
23
24 Plaintiff,
25
26 vs.
27 Janet Yellen, in her official
28 capacity as Secretary of the
Treasury et al;

Defendants.

No.: 2:21-cv-514-DJH

MOTION FOR LEAVE TO FILE
BRIEF OF *AMICUS CURIAE*
THE BUCKEYE INSTITUTE
IN SUPPORT OF
THE STATE OF ARIZONA

1 Pursuant to Fed. R. Civ. P. 7(b) and Local Rule 7.2, The Buckeye Institute
2 moves this Court for permission to file the concurrently lodged brief as *amicus curiae* in
3 support of the State of Arizona.

4 Both parties have consented to the filing of the brief, and the Court has ordered
5 all amicus briefs in support of the State of Arizona to be filed by April 23, 2021 (Dkt.
6 No 18).

7 *Amicus curiae* The Buckeye Institute was founded in 1989 as an independent
8 research and educational institution—a “think tank”—to formulate and promote free-
9 market solutions for Ohio’s most pressing public policy problems. The Buckeye
10 Institute is dedicated to upholding the balance of power between States and the federal
11 government as prescribed by the U.S. Constitution and to creating a pro-growth
12 economic tax system and ensuring responsible government spending. Through its
13 Legal Center, The Buckeye Institute engages in litigation in support of these ideals.
14 Given The Buckeye Institute’s extensive work on both federalism and State and local
15 tax policy, it is well-positioned to assist this Court by “supplementing the efforts of
16 counsel and drawing the court’s attention to law that might otherwise escape
17 consideration,” *Funbus Sys., Inc. v. Calif. Pub. Utils. Comm’n*, 801 F.2d 1120, 1125 (9th
18 Cir. 1986), as well as by drawing the court’s attention to myriad consequences of the
19 American Rescue Plan Act.

20 Given The Buckeye Institute’s interest in the issues at the heart of this case—
21 and because this case is of significant, national import—it has an institutional interest
22 in this Court’s ruling. Granting The Buckeye Institute’s motion would neither delay
23 proceedings, nor prejudice the parties in light of this Court’s scheduling order (Dkt.
24 No. 18) and the parties consent to the filing of the brief.

25 For the foregoing reasons, The Buckeye Institute respectfully requests that this
26 Court grant this motion for leave to file its amicus brief.

1 Dated: April 23, 2021

Respectfully submitted,

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4 By: /s/ Andrew M. Grossman

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CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2021, I caused the foregoing motion to be filed with the Court electronically using the CM/ECF system, which will send a notification to all counsel of record.

Dated: April 23, 2021

/s/ Andrew M. Grossman
Andrew M. Grossman

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

State of Arizona,

Plaintiff,

vs.

Janet Yellen, in her official
capacity as Secretary of the
Treasury et al;

Defendants.

No.: 2:21-cv-514-DJH
[PROPOSED] ORDER

Before the Court is a Motion for Leave to File Brief of *Amicus Curiae* The Buckeye Institute in Support of the State of Arizona. The Court will **grant** the Motion.

IT IS ORDERED that the Clerk will file on the docket the Brief of *Amicus Curiae* The Buckeye Institute in Support of the State of Arizona, lodged with the Court on April 23, 2021.

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