

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

STATE OF FLORIDA,

Plaintiff

v.

XAVIER BECERRA, Secretary of the
Dep't of Health and Human Services,
et al.,

Defendants.

Case No. 8:21-cv-839-SDM-AAS

**DEFENDANTS' MEMORANDUM OF LAW IN OPPOSITION
TO MARC YOUNG'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL
AMICUS CURIAE BRIEF**

Defendants respectfully oppose the motion of Mr. Marc Young for leave to file an additional supplemental brief in support of Plaintiff's Motion for a Preliminary Injunction, ECF No. 63, for substantially the same reasons stated in Defendants' Memorandum in Opposition to ASTA's Motion for Leave to File an Amicus Curiae Brief, ECF No. 49. The Court has broad discretion to consider such briefs, but the proposed supplemental brief is both untimely and unhelpful, and presented at such a time that the parties have no opportunity to address any issues raised in papers or at oral argument. *See generally* ECF No. 49; *Conservancy of Sw. Fla. v. U.S. Fish & Wildlife Serv.*, No. 2:10-CV-106-FTM-SPC, 2010 WL 3603276, at *1 (M.D. Fla. Sept. 9, 2010). Moreover, while the Court granted ASTA's motion, this

movant has already had the opportunity to file an amicus brief in support of this motion, with the consent of the parties. *See* ECF No. 21. There is no reason to accept an over-long and untimely brief from a non-party who has already been heard in this matter. The Court should deny Mr. Young's motion for leave to file a supplemental amicus curiae brief.

Dated: May 25, 2021

Respectfully submitted,

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