

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

STATE OF FLORIDA, by and)
through BILL McCOLLUM, *et al.*,)
)
Plaintiffs,)
)
v.)
)
UNITED STATES DEPARTMENT)
OF HEALTH AND HUMAN)
SERVICES, *et al.*,)
)
Defendants.)
_____)

Case No. 3:10-cv-91-RV/EMT

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants, by undersigned counsel, hereby move the Court, pursuant to Federal Rule of Civil Procedure 56, for summary judgment on Claims One and Four of the Amended Complaint. The grounds for this motion are set forth in the accompanying memorandum of law.

Dated: November 4, 2010

Respectfully submitted,

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Assistant Attorney General

IAN HEATH GERSHENGORN
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/s/ Eric Beckenhauer

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CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2010, the foregoing document was filed with the Clerk of Court via the CM/ECF system, causing it to be served on Plaintiffs' counsel of record.

/s/ Eric B. Beckenhauer

ERIC B. BECKENHAUER