

No. 18-10545

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

STATE OF TEXAS; STATE OF
KANSAS; STATE OF LOUISIANA;
STATE OF INDIANA; STATE OF
WISCONSIN; STATE OF NEBRASKA,

Plaintiffs-Appellees-Cross Appellants,

v.

CHARLES P. RETTIG, in his Official
Capacity as Commissioner of Internal
Revenue; UNITED STATES OF
AMERICA; UNITED STATES
DEPARTMENT OF HEALTH AND
HUMAN SERVICES; UNITED STATES
INTERNAL REVENUE SERVICE;
ALEX M. AZAR, II, SECRETARY,
U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES,

Defendants-Appellants-Cross Appellees.

UNOPPOSED MOTION TO WAIVE ORAL ARGUMENT

Pursuant to Fifth Circuit Rule of Appellate Procedure 34.2 and 34.3,
counsel for Plaintiff-Appellee State of Wisconsin files this Motion to

Waive Oral Argument in the above-captioned case, and respectfully requests that this Court excuse it from presenting oral argument. Grounds for this motion are as follows:

The State of Wisconsin is a Plaintiff-Appellee in this matter.¹ On January 29, 2020, Wisconsin filed a letter joining a portion of the Plaintiffs-Appellees' brief filed by the States of Texas, Kansas, Louisiana, Indiana, and Nebraska. (Dkt. 00515290636.) Briefing in this case is complete, and the Court has calendared oral argument for June 1, 2020.

Because it has made no independent arguments, any argument Wisconsin would present in this case would be duplicative of the other State Appellees' arguments, and would be a waste of judicial and state resources. As a result, good cause exists to excuse Wisconsin from presenting oral argument in this case.

Wisconsin has conferred with counsel for the States of Texas, Kansas, Louisiana, Indiana, and Nebraska, as well as counsel for the Defendants-Appellants-Cross Appellees. No party objects to the relief

¹ On January 29, 2020, Wisconsin filed a letter requesting that its party status be corrected on the Court's docket. (*See* Dkt. 00515290030.)

sought in this motion. Wisconsin hereby cedes its time to the other State-Appellees in this matter.

WHEREFORE, the State of Wisconsin respectfully requests that this Court grant its Motion to Waive Oral Argument and excuse the State of Wisconsin from presenting oral argument in this case.

Dated this 27th day of April, 2020.

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by:

s/ Corey F. Finkelmeyer
COREY F. FINKELMEYER
Assistant Attorney General
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CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2020, I electronically filed the foregoing Unopposed Motion to Waive Oral Argument with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated this 27th day of April, 2020.

s/ Corey F. Finkelmeyer
COREY F. FINKELMEYER
Assistant Attorney General

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I hereby certify that this motion complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Century Schoolbook font, a proportionally spaced font, and that it complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A), because it contains 249 words, according to the count of Microsoft Word.

Dated this 27th day of April, 2020.

s/ Corey F. Finkelmeyer
COREY F. FINKELMEYER
Assistant Attorney General