

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
GULFPORT DIVISION**

AMBER COLVILLE, et al.

Plaintiffs,

No. 1:22-cv-113-TBM-RPM

v.

XAVIER BECERRA, et al.,

Defendants.

**CONSENT MOTION TO EXCUSE SOME
PLAINTIFFS FROM LOCAL RULE 83.1(d)(3)**

Plaintiffs in this case are two individual doctors and eight sovereign States. The doctors are represented by Mr. Norris (a non-resident attorney) and Ms. Young (a resident attorney). The States are represented by their attorneys general. This Court's local rules appear to require those States (other than Mississippi) to associate with a resident attorney before they can apply for admission pro hac vice. Specifically, Rule 83.1(d)(3) requires every "non-resident attorney" to associate with a resident attorney, and Rule 83.1(d)(10) exempts "[a]ttorneys representing the United States" from this requirement but not attorneys representing other States. L.U.Civ.R. 83.1(d)(3), (10).

Plaintiffs Alabama, Arizona, Arkansas, Kentucky, Missouri, and Montana ask this Court to excuse them from the requirement that they associate with a resident attorney before appearing pro hac vice. *See generally Sombyo v. J. Lu-Rob Enterprises, Inc.*, 932 F.2d 1043, 1048 (2d Cir. 1991) ("we agree with our sister circuits that the district court has the inherent power ... to depart from the letter of the Local Rules ...

regardless of whether a particular Local Rule specifically grants the judge the power to deviate”). Mr. Norris is lead counsel and will be appearing, litigating, and speaking on behalf of all Plaintiffs, individual and state. He has associated with a resident attorney, and that attorney will “sign every submission” and “appear and participate” in all required proceedings, thus satisfying the rule’s stated purpose. L.U.Civ.R. 83.1(d)(3). The State of Mississippi is also here and will lend its expertise to all Plaintiffs on this Court’s practices and procedures. And Plaintiff Louisiana will be represented by a member of this Court.

Requiring the other six States to retain a private Mississippi attorney would present logistical problems that are difficult (if not impossible) to overcome. The awkwardness of requiring a sovereign government to hire private counsel likely explains why this Court excuses the United States from the resident-attorney rule. L.U.Civ.R. 83.1(d)(10). Given “the structure of our Nation as a union of States, each possessing equal sovereign powers,” Mississippi’s sister States should receive that same courtesy. *Underwriters Nat. Assur. Co. v. N.C. Life & Acc. & Health Ins. Guar. Ass’n*, 455 U.S. 691, 704 (1982). They should at least receive it in the unique circumstances of this case—where the States are litigating as a single unit with other plaintiffs, where one of those plaintiffs is the State of Mississippi, and where a resident attorney will be present at all relevant proceedings anyway.

Defendants consent to this motion.

Dated: May 25, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I e-filed this motion with the Court, which will email everyone requiring service.

Dated: May 25, 2022

s/ Cameron T. Norris