

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

STATE OF MISSISSIPPI; STATE OF ALABAMA; STATE OF ARKANSAS; COMMONWEALTH OF KENTUCKY; STATE OF LOUISIANA; STATE OF MISSOURI; and STATE OF MONTANA,  
*Plaintiffs,*

v.

XAVIER BECERRA, in his official capacity as Secretary of Health and Human Services; THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; CHIQUITA BROOKS-LASURE, in her official capacity as Administrator of the Centers for Medicare and Medicaid Services; THE CENTERS FOR MEDICARE AND MEDICAID SERVICES; THE UNITED STATES OF AMERICA,  
*Defendants.*

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

**MOTION FOR LEAVE TO PARTICIPATE AS AMICI CURIAE IN SUMMARY JUDGMENT HEARING ON BEHALF OF GREENSBORO HEALTH DISPARITIES COLLABORATIVE AND THE NAACP STATE CONFERENCES FOR ALABAMA, ARIZONA, ARKANSAS, KENTUCKY, LOUISIANA, MISSOURI, MISSISSIPPI, AND MONTANA**

The Greensboro Health Disparities Collaborative (“the Collaborative”) and the NAACP State Conferences for Alabama, Arizona, Arkansas, Kentucky, Louisiana, Missouri, Mississippi, and Montana (“the NAACP State Conferences”) respectfully request leave to present argument as *amici curiae* if this Court grants Plaintiffs’ unopposed request for a hearing on the parties’ pending cross-motion motions for summary judgment.

The Collaborative and the NAACP State Conferences presented case-dispositive issues that Defendants failed to raise in their briefing, including Plaintiffs’ lack of evidence on their

theory of law-enforcement standing and the flaws in Plaintiffs' statutory interpretation arguments. Amici also provided a more comprehensive discussion of the *parens patriae* and ultra vires arguments that Defendants raised in their cross-motion for summary judgment, and could provide a fulsome discussion of that issue if allowed to present argument at the hearing.

To facilitate efficient presentation of the issues, the Collaborative and the NAACP State Conferences request 15 minutes of argument time. This motion is supported by the attached memorandum of law. Amici also attached a proposed order to be issued in the event that the Motion to Participate As *Amici Curiae* In Summary Judgment Hearing is granted.

Respectfully submitted, this 29th day of September, 2023.

/s/ Robert B. McDuff

Robert B. McDuff (MS Bar #2532)  
Mississippi Center for Justice  
210 E Capitol Street, Suite 1800  
Jackson, MS 39201  
Telephone: (601) 259-8484  
rmcduff@mscenterforjustice.org

Jon Greenbaum\*  
Kathryn Youker\*  
Lawyers' Committee for Civil Rights Under Law  
1500 K Street, NW, Suite 900  
Washington, DC 20005  
Telephone: (202) 662-8355  
kyouker@lawyerscommittee.org

Jo-Ann Tamila Sagar\*  
Stanley J. Brown\*  
HOGAN LOVELLS US LLP  
555 Thirteenth Street, NW  
Washington, DC 20004  
Telephone: (202) 637-5600  
Facsimile: (202) 637-5910  
jo-ann.sagar@hoganlovells.com

Johannah Walker\*†  
HOGAN LOVELLS US LLP  
4 Embarcadero Ctr., Suite 3500  
San Francisco, CA 94111

*Counsel for Amici*

*\* Admitted Pro Hac Vice*

*† Admitted only in the District of Columbia and Arkansas. Practice supervised by principals of the Firm admitted in the California.*

**CERTIFICATE OF SERVICE**

I certify that on September 29, 2023, the foregoing document was filed on the Court's CM/ECF system which sent notification of such filing to all counsel of record.

/s/ Robert B. McDuff