

FILED  
Court Administrator

STATE OF MINNESOTA  
COUNTY OF RAMSEY

JUN 21 2011  
By BIT Deputy

DISTRICT COURT  
SECOND JUDICIAL DISTRICT  
Case Type: Other Civil

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Court File No. 62-cv-11-5203  
The Honorable Kathleen R. Gearin

In re Temporary Funding of Core  
Functions of the Executive Branch of the  
State of Minnesota

**NOTICE OF MOTION AND MOTION  
OF MINNESOTA HOSPITAL  
ASSOCIATION FOR LEAVE TO  
PARTICIPATE AS *AMICUS CURIAE***

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PLEASE TAKE NOTICE that Minnesota Hospital Association (“MHA”) hereby moves this Court to participate as *amicus curiae* in the aforementioned matter.

Briefs submitted *amicus curiae* play an important role in the consideration by the courts of significant cases. Such briefs “broaden the discussion of important points of law” in pending cases, “inform the court of facts or matters of law that may have escaped its consideration,” and “point out to the court practical or legal consequences of a particular decision beyond those involved in the case pending before the court.” D. Herr & S. Hansen, APPELLATE RULES ANNOTATED §§ 129.01 & 129.03, p. 650 (2009). Rule 129 of the Minnesota Rules of Appellate Procedure addresses the submission of *amicus* briefs in the appellate courts. Although less common, *amicus* briefs serve these same purposes in district court.

MHA is a trade association representing sixteen health systems and 145 community-based hospitals in Minnesota. All but two of MHA’s 145 hospitals are government or non-profit institutions. MHA members serve the vast majority of Minnesota patients enrolled in the Medicaid and MinnesotaCare programs. Therefore, MHA has a significant and continuing interest in ensuring that its patients continue to benefit from these programs. The government

shutdown threatens to stop these programs from functioning altogether. MHA thus has a public interest in assisting this Court to fully understand the practical and legal consequences of such an outcome. In particular, MHA supports the position taken by Minnesota Attorney General Lori Swanson in her Petition filed June 13, 2011.

Accordingly, MHA respectfully moves the Court to grant it leave to participate in this action as *amicus curiae* and to consider the accompanying Memorandum of Law submitted on behalf of MHA in support of the June 13, 2011, Petition of the Attorney General.

Dated: June 21, 2011



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**ACKNOWLEDGMENT PURSUANT TO**  
**MINN. STAT. § 549.211**

The undersigned hereby acknowledges that sanctions may be imposed for this motion if the undersigned are found to have violated Minn. Stat. § 549.211, subd. 2.

Dated: June 21, 2011

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