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Florida v. HHS - Filing Order of February 18

United States Court of Appeals for the Eleventh Circuit

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

STATE OF FLORIDA, by and through
Attorney General Pam Bondi, et al.;

Plaintiffs,

v.

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

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, et al.,

Defendants.

_____ /

ORDER DIRECTING EXPEDITED FILING

On January 31, 2011, I entered an order granting summary judgment in favor of the plaintiffs (in part) and declaring unconstitutional the individual mandate provision of the Patient Protection and Affordable Care Act. Because I determined that the individual mandate could not be severed from the remainder of the Act, it was also necessary to declare the entire statute void. The defendants have now, two and one-half weeks later, filed a motion to "clarify" that order (doc. 156). They have represented that the plaintiffs oppose their motion.

Under the Local Rules of this court, the plaintiffs would ordinarily have fourteen (14) days in which to file a response to the defendants' motion. However, because time is of the essence in this matter, and because everyone in this country would obviously benefit from certainty and final resolution of the case sooner rather than later, I do not think it necessary or appropriate to adhere to the briefing schedule that would normally apply.

Accordingly, from the date of this Order, the plaintiffs shall have three (3) business days in which to file their response in opposition to the defendants' motion. If the defendants wish to file a reply to that response, they shall also have

three (3) business days from the date the response is filed. I will promptly consider the motion and their memoranda at that time.

DONE and ORDERED this 18th day of February, 2011.

/s/ Roger Vinson
ROGER VINSON
Senior United States District Judge