

No. 23-5600

In the United States Court of Appeals for the Sixth Circuit

L.W., BY AND THROUGH HER PARENTS AND NEXT FRIENDS, SAMANTHA WILLIAMS AND BRIAN WILLIAMS; SAMANTHA WILLIAMS; BRIAN WILLIAMS; JOHN DOE, BY AND THROUGH HIS PARENTS AND NEXT FRIENDS, JANE DOE AND JAMES DOE; JANE DOE; JAMES DOE; REBECCA ROE; SUSAN N. LACY, ON BEHALF OF HERSELF AND HER PATIENTS; RYAN ROE, BY AND THROUGH HIS PARENT AND NEXT FRIEND, REBECCA ROE,

Plaintiffs-Appellees,

UNITED STATES OF AMERICA,

Intervenor-Appellee,

v.

JONATHAN THOMAS SKRMETTI, IN HIS OFFICIAL CAPACITY AS THE TENNESSEE ATTORNEY GENERAL AND REPORTER, ET AL.,

Defendants-Appellants.

On Appeal from the United States District Court
for the Middle District of Tennessee, Nashville Division
Case No. 3:23-cv-00376

**UNOPPOSED MOTION FOR LEAVE TO FILE AMICUS
BRIEF IN SUPPORT OF MOTION FOR STAY**

GENE P. HAMILTON
Vice-President and General Counsel
America First Legal Foundation
300 Independence Avenue SE
Washington, DC 20003
(202) 964-3721
gene.hamilton@aflegal.org

JONATHAN F. MITCHELL
Mitchell Law PLLC
111 Congress Avenue, Suite 400
Austin, Texas 78701
(512) 686-3940
jonathan@mitchell.law

Counsel for Amicus Curiae

Amicus curiae America First Legal Foundation respectfully asks for leave to file an amicus brief in support of the appellants' motion for stay pending appeal. America First Legal Foundation is a nonprofit organization dedicated to promoting the rule of law in the United States and defending individual rights guaranteed under the Constitution and federal statutes. America First Legal has a substantial interest in this case because it firmly believes, as part of its mission to encourage understanding of the law and individual rights guaranteed under the Constitution of the United States, that a proper understanding of those rights must be informed by reference to their text, and any other rights not expressly mentioned must be deeply rooted in this nation's history and tradition. And further, America First Legal believes that a proper understanding of the law in the United States must include a coherent, consistent understanding of the role of federal courts to decide cases or controversies presented to them.

Our proposed amicus brief is attached. We have conferred with all parties and they have consented to our filing of this amicus.

CONCLUSION

The motion for leave to file an amicus should be granted.

Respectfully submitted.

GENE P. HAMILTON
Vice-President and General Counsel
America First Legal Foundation
300 Independence Avenue SE
Washington, DC 20003
(202) 964-3721
gene.hamilton@aflegal.org

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Mitchell Law PLLC
111 Congress Avenue, Suite 400
Austin, Texas 78701
(512) 686-3940
jonathan@mitchell.law

Dated: July 6, 2023

Counsel for Amicus Curiae

CERTIFICATE OF CONFERENCE

I have conferred with counsel for the parties and they are unopposed to the filing of our proposed amicus brief.

Dated: July 6, 2023

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Counsel for Amicus Curiae

CERTIFICATE OF COMPLIANCE

with type-volume limitation, typeface requirements,
and type-style requirements

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because it contains 194 words.
2. This because complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it uses Equity Text B 14-point type face throughout, and Equity Text B is a proportionally spaced typeface that includes serifs.

Dated: July 6, 2023

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Counsel for Amicus Curiae

CERTIFICATE OF SERVICE

I certify that on July 6, 2023, this document was electronically filed with the clerk of the court for the U.S. Court of Appeals for the Sixth Circuit and served through CM/ECF upon all counsel of record in this case.

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Counsel for Amicus Curiae