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STATE OF MINNESOTA


FILED  
Court Administrator

DISTRICT COURT

SECOND JUDICIAL DISTRICT

JUN 20 2011

DISTRICT CASE TYPE: Civil

By  Deputy

COURT FILE NO.: 62-CV-11-5203

(Chief Judge Kathleen R. Gearin)

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

**CARE PROVIDERS OF MINNESOTA, INC.  
AND AGING SERVICES OF MINNESOTA'S  
REQUEST FOR LEAVE OF THE COURT TO  
FILE AN *AMICUS CURIAE* BRIEF**

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### INTRODUCTION

Aging Services of Minnesota and Care Providers of Minnesota, Inc. are trade associations established in 1947 and 1967 respectively. These organizations collectively have 385 nursing home provider members and 750 senior housing service providers. Almost all of their providers participate in the state Medicaid program and care for Minnesota's most frail and vulnerable citizens.

### REQUEST FOR LEAVE TO PARTICIPATE

Aging Services and Care Providers, on behalf of their members, a private interest, respectfully request leave of the Court to submit an *amicus curiae* brief in support of Attorney General Lori Swanson's petition. Aging Services and Care Providers also request leave of the Court to participate in oral argument scheduled for June 23, 2011.

### REASON FOR *AMICUS* SUBMISSION ON BEHALF OF MEDICAID PROVIDERS

Aging Services and Care Providers request the Court grant leave to submit for the following reasons:

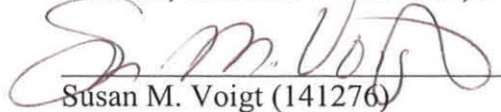
1. Attorney General Lori Swanson's petition is supported and clarified by the *amicus curiae*; and

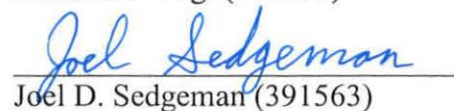
2. The Court must allow Medicaid payments to be made to providers of services in order for Medicaid services to be provided to recipients. If this does not occur, there will be very severe and unfortunate consequences to Medicaid recipients; and
3. Aging Services and Care Providers' members represent care facilities and senior housing establishments who provide care to the very constituency that the Governor and the Attorney General discuss in their submissions to the Court. The vulnerable elderly, frail and infirm are not a party to this action, but will be greatly affected by this Court's decision. Their caregivers will also be seriously impacted; and
4. Aging Services and Care Providers present a unique perspective in this matter. Through an *amicus curiae* brief, they will be able to provide supporting caselaw and statistical information to the Court. This includes caselaw not cited by either the Attorney General or Governor that specifically addresses the federal supremacy issue in the context of the Medicaid program; and
5. The issues addressed in the *amicus curiae* brief are not prejudicial to the Attorney General, Governor, or any other interested person. Consideration of the *amicus curiae* will not delay the Court's disposition of this case.

For the reasons above, Aging Services of Minnesota and Care Providers of Minnesota, Inc. respectfully request leave to participate as *amici curiae* by filing an *amicus* brief. Aging Services and Care Providers also request time to present the oral argument at the hearing scheduled for June 23, 2011.

Dated: 6/20/2011

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Inc.

**ACKNOWLEDGMENT**

We, Susan M. Voigt and Joel D. Sedgeman, acknowledge that costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party or parties pursuant to Minnesota Statutes § 549.211.

  
Susan M. Voigt

  
Joel D. Sedgeman