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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

State of Arizona,

Plaintiff,

v.

Janet Yellen, in her official capacity as Secretary of the Treasury, et al.;

Defendants.

No.: 2:21-cv-514-DJH

MOTION FOR LEAVE TO FILE BRIEF OF *AMICUS CURIAE* THE BUCKEYE INSTITUTE IN SUPPORT OF THE STATE OF ARIZONA

Pursuant to Fed. R. Riv. P. 7(b) and Local Rule 7.2, The Buckeye Institute moves this Court for permission to file the concurrently lodged brief as *amicus curiae* in support of the State of Arizona.

Both parties have consented to the filing of the brief.

*Amicus curiae* The Buckeye Institute was founded in 1989 as an independent research and educational institution—a "think tank"—to formulate and promote free-market solutions for Ohio's most pressing public policy problems. The Buckeye Institute is dedicated to upholding the balance of power between States and the federal government as prescribed by the U.S. Constitution and to creating a pro-growth economic tax system and ensuring responsible government spending. Through its Legal Center, The Buckeye Institute engages in litigation in support of these ideals. Given The Buckeye Institute's extensive work on both federalism and State and local tax policy, it is well-positioned to assist this Court by "supplementing the efforts of counsel and drawing the court's attention to law that might otherwise escape consideration," *Funbus Sys., Inc. v. Calif. Pub. Utils. Comm'n*, 801 F.2d 1120, 1125 (9th Cir. 1986), as well as by drawing the court's attention to myriad consequences of the American Rescue Plan Act.

Given The Buckeye Institute's interest in the issues at the heart of this case—and because this case is of significant, national import—it has an institutional interest in this Court's ruling. Granting The Buckeye Institute's motion would neither delay proceedings, nor prejudice the parties in light of this Court's scheduling order (Dkt. No. 81) and the parties' consent to the filing of the brief.

For the foregoing reasons, The Buckeye Institute respectfully requests that this Court grant this motion for leave to file its amicus brief.

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Dated: October 24, 2022

Respectfully submitted,

By: */s/ Andrew M. Grossman*

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 24, 2022, I caused the foregoing motion to be filed with the Court electronically using the CM/ECF system, which will send a notification to all counsel of record.

Dated: October 24, 2022

*/s/ Andrew M. Grossman*
Andrew M. Grossman

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IN THE UNITED STATES DISTRICT COURT

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| State of Arizona,<br><br>Plaintiff,<br><br>v.<br><br>Janet Yellen, in her official capacity as Secretary of the Treasury, et al.;<br><br>Defendants. | No.: 2:21-cv-514-DJH<br><br>[PROPOSED] ORDER |

Before the Court is a Motion for Leave to File Brief of *Amicus Curiae* The Buckeye Institute in Support of the State of Arizona. The Court will **grant** the Motion.

**IT IS ORDERED** that the Clerk will file on the docket the Brief of *Amicus Curiae* The Buckeye Institute in Support of the State of Arizona, lodged with the Court on October 24, 2022.