



Santa Clara Law Santa Clara Law Digital Commons

Patient Protection and Affordable Care Act
Litigation

Research Projects and Empirical Data

1-1-2011

Thomas More Law Center v. Obama - Appellant's Additional Citation

Thomas More Law Center

Follow this and additional works at: <http://digitalcommons.law.scu.edu/aca>

 Part of the [Health Law Commons](#)

Automated Citation

Thomas More Law Center, "Thomas More Law Center v. Obama - Appellant's Additional Citation" (2011). *Patient Protection and Affordable Care Act Litigation*. Paper 251.

<http://digitalcommons.law.scu.edu/aca/251>

This Appellant Brief is brought to you for free and open access by the Research Projects and Empirical Data at Santa Clara Law Digital Commons. It has been accepted for inclusion in Patient Protection and Affordable Care Act Litigation by an authorized administrator of Santa Clara Law Digital Commons. For more information, please contact sculawlibrarian@gmail.com.



THOMAS MORE LAW CENTER

24 Frank Lloyd Wright Drive · P.O. Box 393 · Ann Arbor, Michigan 48106
Tel: (734) 827-2001 · Fax: (734) 930-7160

February 1, 2011

Clerk of the Court
United States Court of Appeals for the Sixth Circuit
100 East Fifth Street, Room 540
Potter Stewart U.S. Courthouse
Cincinnati, Ohio 45202-3988

**Re: *Thomas More Law Center, et al. v. Barack Obama, et al.*,
Sixth Circuit Case No. 10-2388**

Dear Clerk:

Pursuant to Fed. R. App. P. 28(j), Plaintiffs/Appellants (“Plaintiffs”) bring to this court’s attention the recent decision from the U.S. District Court for the Northern District of Florida, which declared “The Patient Protection and Affordable Care Act” unconstitutional. *See Florida v. United States Dep’t of Health & Human Servs.*, No. 3:10-cv-91, (N.D. Fla. Jan. 31, 2011) (“Op.”).

Plaintiffs direct the court’s attention to the following relevant sections of the decision:

The problem with [the government’s] legal rationale, however, is it would essentially have unlimited application. There is quite literally no decision that, in the natural course of events, does not have an economic impact of some sort. The decisions of whether and when (or not) to buy a house, a car, a television, a dinner, or even a morning cup of coffee also have a financial impact that — when aggregated with similar economic decisions — affect the price of that particular product or service and have a substantial effect on interstate commerce. To be sure, it is not difficult to identify an economic decision that has a cumulatively substantial effect on interstate commerce; rather, the difficult task is to find a decision that does not. Op. at 53 (Pls.’ Br. at 11-13, 31-32; Pls.’ Reply Br. at 8-12).

Every person throughout the course of his or her life makes hundreds or even thousands of life decisions that involve the same general sort of thought process that the defendants maintain is “economic activity.” There will be no stopping point if that should be deemed the equivalent of activity for Commerce Clause purposes. Op. at 55 (Pls.’ Br. at 15-32; Pls.’ Reply Br. at 1, 4-5, 8-12).

[T]he individual mandate falls outside the boundary of Congress' Commerce Clause authority and cannot be reconciled with a limited government of enumerated powers. By definition, it cannot be "proper." Op. at 63 (Pls.' Br. at 10-36; Pls.' Reply Br. at 13-16).

Finally, because the district court found that the individual mandate was an essential part of the Act, it declared the Act unconstitutional in its entirety. Op. 63-74 (Pls.' Reply Br. at 13).

Sincerely,

THOMAS MORE LAW CENTER

/s/ Robert J. Muise
Robert J. Muise, Esq.

LAW OFFICES OF DAVID YERUSHALMI, P.C.

/s/ David Yerushalmi
David Yerushalmi, Esq.

Enclosure: *Florida v. United States Dep't of Health & Human Servs.*,
No. 3:10-cv-91, (N.D. Fla. Jan. 31, 2011)

cc w/enclosure: Opposing Counsel (via ECF)