

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

DR. BERND WOLLSCHLAEGER, et al.
Petitioners,

v.

Case No. 12-14009-FF

GOVERNOR STATE OF FLORIDA, et al.
Respondents.

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

**MOTION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE IN
SUPPORT OF PETITIONERS' PETITION FOR REHEARING *EN BANC***

Pursuant to 11th Cir. R. 35-6, *amicus curiae* Institute for Justice respectfully seeks leave to file the accompanying brief in support of rehearing en banc in this matter. In support of this request and in demonstration of good cause, *amicus* states as follows:

1. *Amicus curiae* Institute for Justice is a nonprofit, public-interest law firm that litigates nationwide on behalf of people whose most basic rights are threatened by the government. *Amicus* has litigated extensively in the area of the First Amendment and, more specifically, the intersection of the First Amendment and the regulation of licensed occupations. *See, e.g., Edwards v. District of*

Columbia, 755 F.3d 996 (D.C. Cir. 2014) (challenging the regulation of speech by tour guides); *Cooksey v. Futrell*, 721 F.3d 226 (4th Cir. 2013) (same, dietary speech); *Hines v. Alldredge*, No. 1:13-CV-56 (S.D. Texas filed Apr. 8, 2013) (same, veterinary speech); *Rosemond v. Markham*, No. 3:13-cv-00042, 2015 WL 5769091 (E.D. Ky. Sept. 30, 2015) (same, parenting advice); *Taucher v. Born*, 53 F. Supp. 2d 464 (1999) (same, commodities-trading advice).

2. The accompanying amicus brief focuses on the relevance of the U.S. Supreme Court's recent decision in *Holder v. Humanitarian Law Project*, 561 U.S. 1 (2010). Although *Humanitarian Law Project* is the Supreme Court's most recent and most authoritative discussion on the First Amendment's protection of individualized expert advice—an issue at the heart of this case—the panel majority failed to seriously grapple with that decision, and ultimately rendered a decision that cannot be squared with *Humanitarian Law Project*. *Amicus* believes that its brief will assist this Court in reaching a decision that is consistent with that precedent.

Dated: January 14, 2016.

Respectfully submitted,

/s/ Paul M. Sherman

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this 14th day of January, 2016, I caused this Motion for Leave to File Brief of *Amicus Curiae* in Support of the Petition for Rehearing *En Banc* to be filed and notice of such filing was delivered electronically to the following registered CM/ECF users:

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