

Case No. 12-14009

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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DR. BERND WOLLSCHLAEGER, *et al.*,  
Plaintiffs/Appellees/Petitioners,

vs.

GOVERNOR OF THE STATE OF FLORIDA, *et al.*,  
Defendants/Appellants/Respondents.

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Appeal from the United States District Court  
For the Southern District of Florida

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**MOTION OF AMERICAN MEDICAL ASSOCIATION, AMERICAN  
ACADEMY OF PEDIATRICS, AMERICAN ACADEMY OF CHILD  
AND ADOLESCENT PSYCHIATRY, AMERICAN ACADEMY OF  
FAMILY PHYSICIANS, AMERICAN OSTEOPATHIC  
ASSOCIATION, AMERICAN COLLEGE OF PHYSICIANS,  
AMERICAN COLLEGE OF SURGEONS, AMERICAN COLLEGE  
OF OBSTETRICIANS AND GYNECOLOGISTS, AND AMERICAN  
CONGRESS OF OBSTETRICIANS AND GYNECOLOGISTS  
FOR LEAVE TO FILE *AMICUS* BRIEF IN SUPPORT OF  
2015 PETITION FOR REHEARING *EN BANC***

Pursuant to 11<sup>th</sup> Cir. R. 35-6, the medical associations identified above  
move for leave to file the accompanying *amicus* brief in support of the  
petition for rehearing *en banc* filed in this matter on August 18, 2015. In  
support of this request, *amici* state as follows:

1. *Amici* are professional associations of physicians, residents and

medical students. *Amicus* the American Medical Association (“AMA”) is the largest such association in the United States. The remaining *amici* are national specialty medical societies that represent their members in matters of public concern. All *amici* have members that practice in the State of Florida and whose ability to practice medicine is detrimentally affected by Florida's Firearm Owners' Privacy Act (“FOPA”), the constitutional validity of which is the issue in this lawsuit.

2. The validity of FOPA depends on whether FOPA substantially chills communications between patients and physicians.

3. One factor making this case of exceptional importance is that FOPA disrupts normal medical practice.

4. *Amici*, as preeminent representatives of the medical profession, are able to provide the Court with a unique insight into these issues. As Judge Wilson repeatedly pointed out in his panel dissent, one of the critical events leading to this lawsuit was the determination by some or all of *amici*, particularly the AMA, that pediatricians and other physicians should routinely question their patients about household firearm ownership in order to counsel patients about firearm safety.

5. While some overlap between the tendered *amicus* brief and the petition for rehearing *en banc* of August 18, 2015 is inevitable, *amici* have attempted to minimize such duplication.

6. *Amici* filed a brief in support of plaintiffs/appellants, prior to the panel decision.

7. *Amici* filed another brief in support of the petition for rehearing *en banc* filed on August 15, 2014. Because the panel *sua sponte* withdrew its opinion as to which the August 15, 2014 petition for rehearing *en banc* was addressed, the August 15, 2014 petition for rehearing *en banc* was moot, as was *amici*'s brief in support of that petition.

**/s/ Richard H. Levenstein**

Richard H. Levenstein  
Attorney for *Amici Curiae*

Date: August 28, 2015

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**Certificate of Service**

I HEREBY CERTIFY that a true copy of the foregoing motion for leave to file *amicus* brief has been delivered to a third-party carrier for express delivery to the following attorneys on August 28, 2015:

Pamela Jo Bondi  
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An electronic version of the same was delivered to the Clerk and served electronically via the Court's CM/ECF system. In addition, 15 copies were sent by overnight courier, next business day delivery, to the Clerk of Court.

Date: August 28, 2015

**/s/ Richard H. Levenstein**

Richard H. Levenstein  
Attorney for *Amici Curiae*