

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

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March 24, 2010

The Honorable Jim Gibbons
Governor, State of Nevada
101 North Carson Street
Carson City, NV 89701

Dear Governor Gibbons:

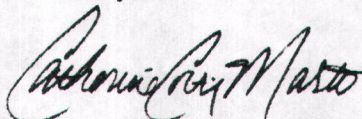
I am writing to acknowledge receipt of your letter dated March 24, 2010, directing the filing of a court challenge to the Patient Protection and Affordable Care Act (H.R. 3590. PL# 111-148).

Our state constitution creates the Office of the Attorney General as a separate constitutional officer within the executive branch. The Attorney General is the State's chief legal officer. Like you I have a responsibility to represent the State's interests. As such, I must be satisfied in my own professional judgment that the case has merit and should be filed. I also have the responsibility to decide how and when litigation is conducted.

Within the purview of my professional responsibility I must also observe the standards as set forth in Nevada Rule of Civil Procedure 11, which governs the conduct of attorneys when litigating. As an attorney yourself, you understand an attorney must certify that any litigation is warranted by existing law or by non-frivolous argument and that any pleading presented to a court cannot be presented for any improper purpose such as to harass, to cause unnecessary delay or to needlessly increase the cost of litigation. You further understand that attorneys who violate these requirements are subject to court sanctions.

Nothing has changed from my previous position on this matter. My office will conduct a thorough legal analysis of the bill for any potential constitutional flaws. If this office institutes litigation against the Federal Government, that lawsuit will have a solid basis in law and will be able to withstand the scrutiny of a federal court. Anything less would be a disservice to the citizens of Nevada and would be a waste of taxpayers' dollars.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine Cortez Masto", written in a cursive style.

CATHERINE CORTEZ MASTO
Attorney General

CCM/lf