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April 24, 2012

Denise J. McNerney
Merits Cases Clerk
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

Re: *National Federation of Independent Business v. Sebelius*, No. 11-393,
Department of Health and Human Services v. Florida, No. 11-398,
Florida v. Department of Health and Human Services, No. 11-400

Dear Ms. McNerney:

We would like to call the Court's attention to its recent opinion distinguishing between "waivers" and "forfeitures" in *Wood v. Milyard*, No. 10-9995 (Apr. 24, 2012). See Slip Op. at 6 n.4, 10-11. That opinion is relevant in this case on the question—briefed by all parties—whether the Court should consider the applicability of the Anti-Injunction Act notwithstanding the Government's deliberate decision not to raise the AIA as a defense. See NFIB AIA Reply Br. 9-10; Govt. AIA Reply Br. 9; Long AIA Reply Br. 3-4.

Very truly yours,


Gregory G. Katsas

Enclosure

cc: Donald B. Verrilli, Jr., Esq.
Paul D. Clement, Esq.
Robert A. Long, Esq.
H. Bartow Farr, III, Esq.

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