

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

Cause No.: 8:12-cv-02519-EAK-AEP

|  |   |                          |
|--|---|--------------------------|
| HOWSE <i>ex rel. alia</i> v. PLANNED PARENTHOOD, <i>et al.</i> , | ) | Class Action Complaint   |
| Plaintiffs and Defendants,                                       | ) |                          |
|  | ) | Injunctive Relief Sought |
| <i>and</i> ,   | ) |                          |
|  | ) | Constitutional Challenge |
| HOWSE and <i>ex rel. alia</i> v. UNITED STATES,                  | ) |                          |
| Cross-Plaintiffs and Cross-Defendant.                            | ) | Demand for Jury Trial    |

**Plaintiffs' Request Motion to Clarify Inherent Conflicts of Interest**

Come now Relator-Plaintiff *ex rel.* the fifty (50) State and Commonwealth Plaintiffs, moving to clarify and ascertain whether conflicts of interest exist within counsel, to-wit:

1. On 27 November 2012, Defendant Family Planning Councils of America filed an appearance herein by dual counsel Blake J. Delaney and Sundeep B. Nath, of Buchanan, Ingersoll & Rooney, PC; Defendant Family Planning Councils of America is being sued by the combined, commanding legal interest of all fifty-one (51) sovereign governmental Plaintiffs, i.e., the fifty (50) States and Commonwealths plus the United States Federal Government, for directly causing literally trillions (~ \$26-28 trillion USD) in damages.

2. However, that same legal firm, Buchanan, Ingersoll & Rooney, appearing herein for *Defendant*, routinely represents the Government *Plaintiffs* in all manner of daily legal business; Indeed, any simple examination of the firm's website (<http://www.bipc.com>) reveals said firm almost **exclusively** represents the Government Plaintiffs in legal issues.

3. Accordingly, various conflict of interest issues inherently appear within this case context, due to said firm's obvious and primary, daily, expansive (nationwide) reliance upon and diligent work for the Government Plaintiffs; Indeed, *if anything*, it would seem very clear that said firm should be appearing for one (1) or more of the Plaintiffs against the Defendant Family Planning Councils of America... not representing the Defendant...

4. Because of these readily-apparent conflicts, both express and implied violations of various conduct rules are automatically triggered, including several provisions under the ABA's Model Rules of Professional Conduct, as well as the several same and similar provisions within and under the Florida Rules of Professional Conduct, which this federal Court and Middle District use and apply within all of their cases and ethical parameters.

5. Further, these primary matters of conflict of interest then raise secondary matters of informed consent, limiting representation scope, duties to report misconduct, and/or etc.

6. However, and also due to the rather unique and juxtaposed combination of business position in this matter by the same legal firm, Buchanan, Ingersoll & Rooney, it may or may not be actually possible and feasible for Relator to discuss and negotiate, with said appearing counsel, some reasonable and acceptable form of hybrid or joint representation towards resolution and acceptable settlement of various issues herein – *see also*, today's contemporaneous filing of the Notice of Attempted Conference Scheduling as Ordered.

7. If such a conference meeting is actually and finally obtained with said counsel of Buchanan, Ingersoll & Rooney and with the appropriate representative of the United States, assuming that to be someone from the office of U.S. Attorney Robert E. O'Neill (Middle District of Florida), within and by no later than fifteen (15) calendar days from

today's date of filing, and assuming that reasonable satisfaction to Relator-Plaintiff of at least the concerns over the apparent conflicts of interest is achieved, and possibly also an additional achievement of negotiating such hybrid or joint representation towards mutual agreement upon various matters herein, then Relator-Plaintiff shall promptly thereafter file a voluntary withdrawal of this request and motion for the Court to then act instead.

WHEREFORE, the Relator-Plaintiff *ex rel.* the fifty (50) State and Commonwealth Plaintiffs moves, if and as needed, for clarity upon the apparently inherent and serious conflicts of interest, and further moves for all other relief true and proper in the premises.

Respectfully submitted,

/s/ Torm Howse

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