

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

D.G. by Next Friend G. Gail Stricklin, *et al.*,)
for themselves and those similarly situated,)
)
Plaintiffs,)
)
vs.)
)
C. BRAD HENRY, in his official capacity as)
Governor of the State of Oklahoma, *et al.*,)
)
Defendants.)

Case No. 08-CV-074-GKF-FHM

ORDER

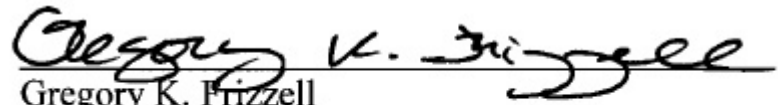
This matter comes before the court on the Oklahoma Public Employees Association’s Motion for Leave to Appear as *Amicus Curiae* in Support of Plaintiffs’ Motion for Class Certification. [Doc. No. 237]. Defendants oppose the motion.

The right to participate as an amicus is a privilege within the sound discretion of the court. *United States v. State of Michigan*. 940 F.2d 143, 165 (6th Cir. 1991).The term “amicus curiae” means friend of the court, not friend of the party. *Ryan v. Commodity Futures Trading Commission*, 125 F.3d 1062, 1063 (7th Cir. 1997). An amicus brief should normally be allowed only when a party is not represented competently or is not represented at all, when the amicus has an interest in some case that may be affected by a decision in the present case, or when the amicus has unique information or perspective than can help the court beyond the help that lawyers for the parties are able to provide. *Id.*

As described in movant’s brief, the subject matter of the proposed amicus brief of the Oklahoma Public Employees Association offers no unique information helpful to the court. Rather, it is largely duplicative of arguments made in plaintiffs’ briefs. Therefore, the

Association's Motion for Leave to Appear as *Amicus Curiae* in Support of Plaintiffs' Motion for Class Certification [Doc. No. 237] is denied.

ENTERED this 5th day of March, 2009.

A handwritten signature in black ink that reads "Gregory K. Frizzell". The signature is written in a cursive style with a horizontal line drawn through the middle of the text.

Gregory K. Frizzell
United States District Judge
Northern District of Oklahoma