

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**CHARLES GRESHAM, et al.**

**PLAINTIFFS**

**v.**

**No. 1:18-cv-01900JEB**

**ALEX M AZAR, et al.**

**DEFENDANTS**

**ANSWER**

Intervening Defendant the State of Arkansas, through Attorney General Leslie Rutledge, states for its Answer to Plaintiffs' Complaint as follows:

1. Defendant denies the allegations contained in paragraph 1.
2. Defendant admits that Medicaid provides health care services to qualifying individuals. As to the number of individuals to whom Medicaid provides coverage, Defendant lacks information sufficient to admit or deny Plaintiffs' allegation and therefore denies it. The second and third sentences of paragraph 2 state legal characterizations of the Social Security Act (SSA) that do not call for a response. To the extent a response is required, Defendant states that the SSA speaks for itself.
3. Defendant admits that the federal government provides matching funds for Medicaid spending. The balance of paragraph 3 states legal conclusions about the SSA to which no response is required. To the extent a response is required, Defendant states that the SSA speaks for itself.
4. Defendant admits that the "Medicaid Act," or more formally, Title XIX of the Social Security Act, is "a part" of the SSA, and that it permits the Secretary of Health and Human Services ("HHS") to waive certain Medicaid requirements. The balance of Paragraph 4

states legal conclusions on 42 U.S.C. § 1315 to which no response is required; to the extent a response is required, Defendant states that § 1315 speaks for itself.

5. Defendant admits the allegations contained in paragraph 5.

6. Defendant denies the allegations contained in the first sentence of paragraph 6 and admits the allegations contained in the second sentence of paragraph 6.

7. Defendant states that the January 11, 2018 letter from HHS to state Medicaid directors, attached as Exhibit 6 to Plaintiffs' Complaint, speaks for itself. Defendant admits that it was sent while the Arkansas Works Amendment was pending. Defendant admits the allegations contained in the third sentence of paragraph 7.

8. Defendant denies the allegations contained in paragraph 8.

9. Defendant admits that Plaintiffs purport to bring this matter as a class action seeking declaratory and injunctive relief for alleged violations of the Administrative Procedure Act (APA), the SSA, and the United States Constitution.

10. Defendant admits the allegations contained in paragraph 10.

11. Defendant admits the allegations contained in paragraph 11.

12. Defendant admits that Mr. Gresham is 37 years old, lives in Harrison, Arkansas, and is enrolled in the Arkansas Medicaid program. Defendant lacks information sufficient to admit or deny the balance of the allegations contained in paragraph 12 and therefore denies them.

13. Defendant admits that Mr. Ardon is 40 years old, lives in Siloam Springs, Arkansas, and is enrolled in the Arkansas Medicaid Program. Defendant lacks information sufficient to admit or deny the balance of the allegations contained in paragraph 13 and therefore denies them.

14. Defendant admits that Ms. Ardon is 44 years old, lives in Siloam Springs, Arkansas, and is enrolled in the Arkansas Medicaid Program. Defendant lacks information sufficient to admit or deny the balance of the allegations contained in paragraph 14 and therefore denies them.

15. Defendant admits the allegations contained in paragraph 15.

16. Defendant admits the allegations contained in paragraph 16.

17. Defendant admits the allegations contained in paragraph 17.

18. Defendant admits the allegations contained in paragraph 18.

19. Paragraph 19 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statutes cited therein speak for themselves.

20. Paragraph 20 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute cited therein speaks for itself.

21. Defendant admits the allegations contained in paragraph 21.

22. Paragraph 22 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute cited therein speaks for itself.

23. Paragraph 23 states legal conclusions that do not call for a response.

24. Paragraph 24 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statutes cited therein speak for themselves.

25. Paragraph 25 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statutes cited therein speak for themselves.

26. Paragraph 26 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute cited therein speaks for itself.

27. Paragraph 27 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statutes cited therein speak for themselves.

28. Paragraph 28 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute cited therein speaks for itself.

29. Defendant admits the allegations contained in the first sentence of paragraph 29. The second sentence of paragraph 29 makes subjective claims about the purposes of the Patient Protection and Affordable Care Act that do not call for a response.

30. Paragraph 30 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute cited therein speaks for itself.

31. Paragraph 31 is a statement of law to which no answer is required, but to the extent that one is required, the Defendant states that the statute cited therein speaks for itself.

32. Paragraph 32 is a statement of law to which no answer is required, but to the extent that one is required, the Defendant states that the opinion cited therein speaks for itself.

33. Defendant admits the allegations contained in paragraph 33.

34. Paragraph 34 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute cited therein speaks for itself.

35. Paragraph 35 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statutes cited therein speak for themselves.

36. Paragraph 36 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute cited therein speaks for itself.

37. Paragraph 37 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute cited therein, assuming that the citation to the nonexistent “[42 U.S.C.] § 1396(a)(10)(A)” is a typographical error that was intended to refer to 42 U.S.C. § 1396a(a)(10)(A), speaks for itself.

38. Paragraph 38 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute discussed therein speaks for itself.

39. Defendant admits that paragraph 39 is an accurate quotation of 42 U.S.C. § 1396a(a)(19).

40. Paragraph 40 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statutes and regulations cited therein speak for themselves.

41. Paragraph 41 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statutes and regulations cited therein speak for themselves.

42. Paragraph 42 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statutes and publication cited therein speak for themselves.

43. Paragraph 43 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statutes and legislative history cited therein speak for themselves.

44. Paragraph 44 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute discussed therein speaks for itself.

45. Paragraph 45 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute discussed therein speaks for itself.

46. Paragraph 46 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute discussed therein speaks for itself.

47. Paragraph 47 states a legal conclusion that does not call for a response.

48. Paragraph 48 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute discussed therein speaks for itself.

49. Paragraph 49 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute discussed therein speaks for itself.

50. Paragraph 50 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute and regulations cited therein speak for themselves.

51. Paragraph 51 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute discussed therein speaks for itself.

52. Paragraph 52 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statutes and publication cited therein speak for themselves.

53. Defendant admits the allegations contained in paragraph 53.

54. Defendant admits the allegations contained in paragraph 54.

55. Defendant admits the allegations contained in the first sentence of paragraph 55. The second sentence of paragraph 55 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute cited therein speaks for itself.

56. Defendant admits the allegations contained in paragraph 56.

57. Paragraph 57 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the approval of the Arkansas Health Care Independence Program cited therein speaks for itself.

58. Defendant admits the allegations contained in the first sentence of paragraph 58. Defendant lacks information sufficient to admit or deny the allegations contained in the second sentence of paragraph 58 and therefore denies them.

59. Defendant admits the allegations contained in paragraph 59.

60. The letter cited and described in paragraph 60 speaks for itself.

61. The letter cited and described in paragraph 61 speaks for itself.

62. Paragraph 62 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the document cited therein speaks for itself.

63. Defendant admits the allegations contained in paragraph 63.

64. The letter cited and described in paragraph 64 and attached to Plaintiffs' Complaint as Exhibit 1 speaks for itself.

65. The letter cited and described in paragraph 65 and attached to Plaintiffs' Complaint as Exhibit 1 speaks for itself.

66. Defendant admits that paragraph 66 accurately quotes Exhibit 1 to Plaintiffs' Complaint.

67. Paragraph 67 describes the content of Exhibit 1; Defendant states that Exhibit 1 speaks for itself.

68. Defendant admits the allegations contained in paragraph 68.

69. Defendant admits the allegations contained in paragraph 69.

70. Paragraph 70 describes the content of Exhibit 2 to Plaintiffs' Complaint; Defendant states that Exhibit 2 speaks for itself.

71. Paragraph 71 describes the content of Exhibits 1 and 2; Defendant states that Exhibits 1 and 2 speak for themselves.

72. Paragraph 72 describes the content of Exhibit 2; Defendant states that Exhibit 2 speaks for itself.

73. Paragraph 73 describes the content of Exhibit 2; Defendant states that Exhibit 2 speaks for itself.

74. Paragraph 74 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute cited therein speaks for itself.

75. Paragraph 75 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute cited therein speaks for itself.

76. Paragraph 76 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant admits the allegations describing Arkansas Works' community engagement requirement and denies Plaintiffs' allegations that it "added a new condition of eligibility that is not permitted under the Medicaid Act."

77. Paragraph 77 describes the content of Exhibit 2; Defendant states that Exhibit 2 speaks for itself.

78. Paragraph 78 describes the content of Exhibit 2; Defendant states that Exhibit 2 speaks for itself.

79. Paragraph 79 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute cited therein speaks for itself.

80. Paragraph 80 describes the content of Exhibit 2; Defendant states that Exhibit 2 speaks for itself.

81. Paragraph 81 accurately quotes Exhibit 2. Otherwise, its allegations describe Exhibit 2's content; to the extent any response to those descriptions are required, Exhibit 2 speaks for itself.

82. Paragraph 82 describes the content of Exhibit 3 to Plaintiffs' Complaint; Defendant states that Exhibit 3 speaks for itself.

83. Paragraph 83 describes the content of Exhibit 3; Defendant states that Exhibit 3 speaks for itself.

84. Paragraph 84 describes the content of an *Arkansas Times* blog post; Defendant states that the blog post speaks for itself.

85. Defendant admits the allegations contained in paragraph 85.

86. Defendant denies the allegations contained in the first sentence of paragraph 86. Defendant admits the balance of the allegations in paragraph 86.

87. Paragraph 87 describes the content of Exhibit 3; Defendant states that Exhibit 3 speaks for itself.

88. Paragraph 88 describes the content of Exhibit 4 to Plaintiffs' Complaint; Defendant states that Exhibit 4 speaks for itself.

89. Paragraph 89 describes the content of Exhibit 3; Defendant states that Exhibit 3 speaks for itself.

90. The first sentence of paragraph 90 states legal conclusions that do not call for a response, but to the extent that any response is called for, Defendant states that the statute

discussed therein speaks for itself. The second sentence of paragraph 90 accurately quotes 42 U.S.C. § 1396a.

91. Paragraph 91 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant states that the statute cited therein speaks for itself.

92. Paragraph 92 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies them.

93. Defendant admits the allegations contained in paragraph 93, except for the allegation that retroactive eligibility coverage is “required by the statute”—a legal conclusion that does not call for a response. To the extent that any response is called for, the Defendant states that the statute discussed therein speaks for itself.

94. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 94 and therefore denies them.

95. Defendant admits that paragraph 95 accurately quotes the documents cited therein.

96. Paragraph 96 describes the content of Exhibit 5 to Plaintiffs’ Complaint; Defendant states that Exhibit 5 speaks for itself.

97. Defendant denies the allegations contained in paragraph 97.

98. Paragraph 98 describes the content of Executive Order 13765; Defendant states that Executive Order 13765 speaks for itself.

99. Defendant admits the allegation contained in the first sentence of paragraph 99. Defendant denies Plaintiffs’ characterization, in the second sentence of paragraph 99, of the letter cited in that paragraph and states that the letter speaks for itself.

100. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 100 and therefore denies them; it further states that the article cited therein speaks for itself.

101. Defendant admits the allegations contained in paragraph 101.

102. Paragraph 102 describes the content of a speech given by Defendant Verma; Defendant states that the speech cited therein speaks for itself.

103. Paragraph 103 describes the content of an interview given by Defendant Verma; Defendant states that the interview cited therein speaks for itself.

104. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 104 and therefore denies them.

105. Defendant admits the allegations contained in paragraph 105.

106. Paragraph 106 describes the content of Exhibit 6 to Plaintiffs' Complaint; Defendant states that Exhibit 6 speaks for itself.

107. Paragraph 107 describes the content of Exhibit 6; Defendant states that Exhibit 6 speaks for itself.

108. Paragraph 108 describes the content of Exhibit 6; Defendant states that Exhibit 6 speaks for itself.

109. Defendant admits the allegations contained in paragraph 109.

110. Defendant lacks information sufficient to admit or deny the allegations contained in the first sentence of paragraph 110 and therefore denies them. The balance of paragraph 110 describes the content of a letter cited therein; Defendant states that the letter speaks for itself.

111. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 111 and therefore denies them.

112. Paragraph 112 describes the content of a page on the Centers for Medicare and Medicaid Services website; Defendant states that the website speaks for itself.

113. Paragraph 113 describes the content of a tweet by Defendant Verma; Defendant states that the tweet speaks for itself.

114. Paragraph 114 describes the content of Exhibit 2; Defendant states that Exhibit 2 speaks for itself.

115. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 115 and therefore denies them.

116. Defendant admits that paragraph 116 accurately quotes the article cited therein but lacks information sufficient to admit or deny paragraph 116's allegation that Defendant Azar made the comments reported in the article, and therefore denies it.

117. Defendant admits that paragraph 117 accurately quotes Article 1, Sections 1 and 8 of the Constitution.

118. Paragraph 118 states a legal conclusion that does not call for a response; to the extent a response is called for, Defendant states that the cited provision of the Constitution speaks for itself.

119. Paragraph 119 states a legal conclusion that does not call for a response; to the extent a response is called for, Defendant states that the cases cited therein speak for themselves.

120. Paragraph 120 states a legal conclusion that does not call for a response; to the extent a response is called for, Defendant states that the clause of the Constitution discussed therein speaks for itself.

121. Paragraph 121 states a legal conclusion that does not call for a response; to the extent a response is called for, Defendant states that the Constitution, which is characterized therein, speaks for itself.

122. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 122 and therefore denies them.

123. Paragraph 123 states a legal conclusion that does not call for a response; to the extent a response is called for, Defendant states that the Constitution, which is characterized therein, speaks for itself.

124. Defendant denies the allegations contained in the first sentence of paragraph 124, lacks information sufficient to admit or deny the allegations contained in the second sentence of paragraph 124 and therefore denies them, and states that the third sentence of paragraph 124 states a legal conclusion about the Constitution, which speaks for itself.

125. Defendant denies the characterizations of the Arkansas Works Amendment contained in paragraph 125.

126. Defendant denies the allegations contained in the first sentence of paragraph 126. The second sentence of paragraph 126 states an opinion about what “Plaintiffs should be able” to do to which no response is required. Defendant admits the allegations contained in the first half of the third sentence of paragraph 126, preceding the em dash, lacks information sufficient to admit or deny the allegations contained in the second half of the third sentence of paragraph 126, and therefore denies them. The Defendant denies the allegations contained in the fourth sentence of paragraph 126.

127. Defendant admits the allegations contained in the first sentence of paragraph 127 with the exception of its legal conclusion about the requirements of the Medicaid Act, to which

no response is called for; to the extent a response is called for, Defendant states that the Medicaid Act speaks for itself. Defendant admits the allegations contained in the second sentence of paragraph 127. Defendant denies the allegations contained in the third sentence of paragraph 127.

128. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 128 and therefore denies them.

129. Defendant denies the allegations contained in paragraph 129.

130. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 130 and therefore denies them.

131. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 131 and therefore denies them.

132. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 132 and therefore denies them.

133. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 133 and therefore denies them.

134. Defendant denies the allegations contained in the first sentence of paragraph 134. Defendant lacks information sufficient to admit or deny the allegations contained in the balance of paragraph 134 and therefore denies them.

135. Defendant admits the allegations contained in the first sentence of paragraph 135. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 135 and therefore denies them.

136. Defendant admits the allegations contained in the first two sentences of paragraph 136. Defendant denies the allegations contained in the third sentence of paragraph 136; Mr.

Gresham is currently exempted from Arkansas Works' community engagement requirement because he receives benefits under the Supplemental Nutrition Assistance Program (SNAP).

137. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 137 and therefore denies them.

138. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 138 and therefore denies them.

139. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 139 and therefore denies them.

140. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 140 and therefore denies them.

141. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 141 and therefore denies them.

142. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 142 and therefore denies them.

143. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 143 and therefore denies them.

144. With respect to the allegations contained in paragraph 144, Defendant states that the Department of Human Services sent the notices described in paragraph 144; Defendant lacks information sufficient to admit or deny the allegations in paragraph 144 that Mr. Ardon received those notices.

145. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 145 and therefore denies them.

146. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 146 and therefore denies them.

147. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 147 and therefore denies them.

148. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 148 and therefore denies them.

149. Defendant lacks information sufficient to admit or deny the allegations contained in the first, second, and fourth sentences of paragraph 149 and therefore denies them. Defendant denies the allegations contained in the third sentence of paragraph 149.

150. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 150 and therefore denies them.

151. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 151 and therefore denies them.

152. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 152 and therefore denies them.

153. Defendant denies the allegations contained in paragraph 153.

154. Defendant lacks information sufficient to admit or deny the allegations contained in the first three sentences of paragraph 154 and therefore denies them. Defendant admits the fourth sentence's allegation that Ms. Ardon submitted a paper to DHS about her back condition, but otherwise lacks information sufficient to admit or deny the allegations contained in the fourth sentence of paragraph 154, and therefore denies them.

155. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 155 and therefore denies them.

156. In response to paragraph 156, Defendant incorporates by reference all responses set forth above as if fully set forth herein.

157. Defendant admits that paragraph 157 accurately quotes 5 U.S.C. § 706.

158. Paragraph 158 describes the content of Exhibit 2; Defendant states that Exhibit 2 speaks for itself.

159. Paragraph 159 states a legal conclusion to which no response is called for; to the extent a response is called for, Defendant denies it.

160. Paragraph 160 describes the content of Exhibit 6; Defendant states that Exhibit 6 speaks for itself.

161. Paragraph 161 states a legal conclusion to which no response is called for; to the extent a response is called for, Defendant denies it.

162. Paragraph 162 states a legal conclusion to which no response is called for; to the extent a response is called for, Defendant denies it.

163. Paragraph 163 states a legal conclusion to which no response is called for; to the extent a response is called for, Defendant denies it.

164. In response to paragraph 164, Defendant incorporates by reference all responses set forth above as if fully set forth herein.

165. Defendant admits that paragraph 165 accurately quotes 5 U.S.C. § 706.

166. Paragraph 166 states a legal conclusion to which no response is called for; to the extent a response is called for, Defendant denies it.

167. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 167 and therefore denies them.

168. Defendant lacks information sufficient to admit or deny the factual allegations contained in paragraph 167 and therefore denies them; its legal conclusion that Plaintiffs have no adequate remedy at law does not call for a response.

169. In response to paragraph 169, Defendant incorporates by reference all responses set forth above as if fully set forth herein.

170. Paragraph 170 states a legal conclusion to which no response is called for, to the extent a response is called for, Defendant denies it.

171. Defendant admits that paragraph 171 accurately quotes Article 1, Sections 1 and 8 of the Constitution.

172. Defendant denies the allegations contained in paragraph 172.

173. Paragraph 173 states a legal conclusion to which no response is called for, to the extent a response is called for, Defendant denies it.

174. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 174 and therefore denies them.

175. Defendant lacks information sufficient to admit or deny the factual allegations contained in paragraph 175 and therefore denies them; its legal conclusion that Plaintiffs have no adequate remedy at law does not call for a response.

176. Defendant denies that Plaintiffs are entitled to any relief requested in the “WHEREFORE” clause of the Complaint.

177. Defendant denies each and every allegation in the Complaint not expressly admitted in this answer.

178. Defendant further denies all grounds for relief sought by Plaintiffs. Defendant states that Plaintiffs are entitled to no relief whatsoever.

**AFFIRMATIVE DEFENSES**

179. Plaintiffs lack standing.
180. The Complaint fails to state a claim upon which relief can be granted.
181. Plaintiffs' claims are not ripe.
182. Plaintiffs' claims may be barred, in whole or in part, by waiver, estoppel, or consent.
183. Plaintiffs have failed to name indispensable parties.
184. Certain of Plaintiffs' claims are not justiciable.
185. Defendant reserves the right to amend this Answer to assert any additional defenses it may have.

Respectfully submitted,

LESLIE RUTLEDGE  
Attorney General

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 12, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to any CM/ECF participants.

/s/ Nicholas J. Bronni

Nicholas J. Bronni