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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE STATE OF CALIFORNIA; THE STATE OF CONNECTICUT; THE STATE OF DELAWARE; THE DISTRICT OF COLUMBIA; THE STATE OF ILLINOIS; THE STATE OF IOWA; THE COMMONWEALTH OF KENTUCKY; THE STATE OF MARYLAND; THE COMMONWEALTH OF MASSACHUSETTS; THE STATE OF MINNESOTA; THE STATE OF NEW MEXICO; THE STATE OF NEW YORK; THE STATE OF NORTH CAROLINA; THE STATE OF OREGON; THE COMMONWEALTH OF PENNSYLVANIA; THE STATE OF RHODE ISLAND; THE STATE OF VERMONT; THE COMMONWEALTH OF VIRGINIA; and THE STATE OF WASHINGTON,

Plaintiffs,

v.

DONALD J. TRUMP, President of the United States; ERIC D. HARGAN, Acting Secretary of the United States Department of Health and Human Services; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; STEVEN T. MNUCHIN, Secretary of the United States Department of the Treasury; UNITED STATES DEPARTMENT OF THE TREASURY; and DOES 1-20,

Defendants.

Case No. 4:17-cv-05895-KAW

[PROPOSED] TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE

1 TO DEFENDANTS DONALD J. TRUMP, President of the United States; ERIC D.
2 HARGAN, Acting Secretary of the United States Department of Health and Human Services;
3 UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; STEVEN T.
4 MNUCHIN, Secretary of the United States Department of the Treasury; UNITED STATES
5 DEPARTMENT OF THE TREASURY:

6 YOU (AND EACH OF YOU) ARE HEREBY ORDERED TO SHOW CAUSE at
7 _____ (*time*) on _____ (*date*), or as soon thereafter as counsel may
8 be heard in the courtroom of the Honorable _____, located at
9 _____, why you, your officers, agents, servants,
10 employees, and attorneys and those in active concert or participation with you or them, should not
11 be enjoined pending resolution of this action to make timely and complete cost-sharing reduction
12 payments in accordance with the Patient Protection and Affordable Care Act, including but not
13 limited to 31 U.S.C. § 1324, 26 U.S.C. § 36B, and 42 U.S.C. §§ 18071, 18082.

14 PENDING HEARING on the above Order to Show Cause, you, your officers, agents,
15 servants, employees, and attorneys and all those in active concert or participation with you or
16 them ARE HEREBY ENJOINED to continue making timely and complete cost-sharing reduction
17 payments in accordance with the Patient Protection and Affordable Care Act, including but not
18 limited to 31 U.S.C. § 1324, 26 U.S.C. § 36B, and 42 U.S.C. §§ 18071, 18082. This Order
19 specifically requires you and those in active concert or participation with you to timely make the
20 CSR reimbursement payments the were scheduled to be paid to issuers of qualified health plans
21 on October 20, 2017, but is not limited to that payment. In issuing this Temporary Restraining
22 Order, the Court finds and concludes that Plaintiffs have shown that immediate and irreparable
23 injury will result to the Plaintiff States and millions of Americans who have access to affordable
24 health care coverage under the Patient Protection and Affordable Care Act if Defendants stop
25 making timely and complete cost-sharing reduction payments.

26 This Temporary Restraining Order (TRO) is effective immediately. The Court waives the
27 security requirement under Federal Rule of Civil Procedure 65(c) because Plaintiffs have
28

1 demonstrated that Defendants will not incur any costs or damages in complying with the TRO, as
2 the TRO will save the federal government money.

3 This Order to Show Cause and supporting papers must be served on Defendants no later
4 than _____ days before the date set for hearing, and proof of service shall be filed no later
5 than _____ days before the hearing. Any response or opposition to this Order to Show
6 Cause must be filed and served on the Plaintiff States' counsel through ECF no later than
7 _____ court days before the date set for hearing. Any reply shall be filed and served no
8 later than _____ court days before the date set for hearing.

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Dated: _____

Hon.
United States District Judge