

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

TEXAS, WISCONSIN, ALABAMA,
ARKANSAS, ARIZONA, FLORIDA,
GEORGIA, INDIANA, KANSAS,
LOUISIANA, PAUL LePAGE, Governor of
Maine, Governor Phil Bryant of the State of
MISSISSIPPI, MISSOURI, NEBRASKA,
NORTH DAKOTA, SOUTH CAROLINA,
SOUTH DAKOTA, TENNESSEE, UTAH,
WEST VIRGINIA, NEILL HURLEY, and
JOHN NANTZ,

Plaintiffs,

Civil Action No. 4:18-cv-
00167-O

v.

UNITED STATES OF AMERICA, UNITED
STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES, ALEX AZAR, in his
Official Capacity as SECRETARY OF
HEALTH AND HUMAN SERVICES,
UNITED STATES INTERNAL REVENUE
SERVICE, and CHARLES P. RETTIG,
COMMISSIONER OF INTERNAL
REVENUE SERVICE,

Defendants.

CALIFORNIA, CONNECTICUT, DISTRICT
OF COLUMBIA, DELAWARE, HAWAII,
ILLINOIS, KENTUCKY,
MASSACHUSETTS, MINNESOTA by and
through its Department of Commerce, NEW
JERSEY, NEW YORK, NORTH CAROLINA,
OREGON, RHODE ISLAND, VERMONT,
VIRGINIA, and WASHINGTON,

Intervenor-Defendants.

INTERVENOR-DEFENDANTS' NOTICE OF APPEAL

PLEASE TAKE NOTICE that the Intervenor-Defendants hereby appeal to the United States Court of Appeals for the Fifth Circuit from this Court's December 30, 2018 Order, ECF No. 221, entering a Final Judgment on Count I of Plaintiff's Amended Complaint. Previously and on December 14, 2018, the Court entered an Order granting partial summary judgment on Count I of the Amended Complaint. ECF No. 211. On December 30, 2018, the Court granted the Intervenor-Defendants' request for entry of partial final judgment on Count I of the Amended Complaint, and also granted the Intervenor Defendants' request for a stay of that judgment. ECF No. 220. Accordingly, and pursuant to Federal Rule of Civil Procedure 54(b), the Court entered partial final judgment on Count I of the Amended Complaint, ECF No. 221. The Intervenor-Defendants hereby appeal from the partial final judgment entered by the Court, ECF No. 221, as well as the orders underlying that partial final judgment, including but not limited to the order granting partial summary judgment (ECF No. 211).

Dated: January 3, 2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JULIE WENG-GUTIERREZ
Senior Assistant Attorney General
KATHLEEN BOERGERS
Supervising Deputy Attorney General

/s/ Neli N. Palma

NELI N. PALMA
NIMROD P. ELIAS
Deputy Attorneys General
California State Bar No. 203374
California State Bar No. 251634
1300 I Street, Suite 125
Sacramento, CA 94244-2550
Telephone: (916) 210-7522
Fax: (916) 322-8288
E-mail: Neli.Palma@doj.ca.gov
Attorneys for Intervenor-Defendants

GEORGE JEPSEN
Attorney General of Connecticut
JOSEPH RUBIN
Associate Attorney General
*Attorneys for Intervenor-Defendant the
State of Connecticut*

KATHLEEN JENNINGS
Attorney General of Delaware
ILONA KIRSHON
Deputy State Solicitor
JESSICA M. WILLEY
DAVID J. LYONS
Deputy Attorneys General
*Attorneys for Intervenor-Defendant the
State of Delaware*

RUSSELL A. SUZUKI
Attorney General of Hawaii
ANDRÉA A. SUZUKI
Deputy Attorney General
ROBERT T. NAKATSUJI
Deputy Solicitor General
*Attorneys for Intervenor-Defendant the
State of Hawaii*

LISA MADIGAN
Attorney General of Illinois
DAVID F. BUYSSE
Deputy Chief, Public Interest Division
ANNA P. CRANE
Public Interest Counsel
MATTHEW V. CHIMIANTI
Assistant Attorney General, Special
Litigation Bureau
*Attorneys for Intervenor-Defendant the
State of Illinois*

ANDY BESHEAR
Attorney General of Kentucky
LA TASHA BUCKNER
Assistant Deputy Attorney General
S. TRAVIS MAYO
Executive Director, Office of Civil and
Environmental Law
TAYLOR PAYNE
Assistant Attorney General
*Attorneys for Intervenor-Defendant
the Commonwealth of Kentucky*

MAURA HEALEY
Attorney General of Massachusetts
STEPHEN B. VOGEL
Assistant Attorney General
*Attorneys for Intervenor-Defendant the
Commonwealth of Massachusetts*

OFFICE OF THE ATTORNEY
GENERAL
State of Minnesota
SCOTT IKEDA
Assistant Attorney General
*Attorneys for Intervenor-Defendant the
State of Minnesota by and through its
Department of Commerce*
GURBIR S. GREWAL
Attorney General of New Jersey
JEREMY M. FEIGENBAUM
Assistant Attorney General
ANGELA JUNEAU BEZER
Deputy Attorney General
*Attorneys for Intervenor-Defendant the
State of New Jersey*

LETITIA JAMES
Attorney General of New York
BARBARA D. UNDERWOOD
Solicitor General
STEVEN C. WU
Deputy Solicitor General
LISA LANDAU
Bureau Chief, Health Care Bureau
ELIZABETH CHESLER
Assistant Attorney General, Health Care
Bureau
*Attorneys for Intervenor-Defendant the
State of New York*

JOSHUA H. STEIN
Attorney General of North Carolina
SRIPRIYA NARASIMHAN
Deputy General Counsel
*Attorneys for Intervenor-Defendant the
State of North Carolina*

ELLEN F. ROSENBLUM
Attorney General of Oregon
HENRY KANTOR
Special Counsel to the Attorney General
SCOTT KAPLAN
Assistant Attorney General
*Attorneys for Intervenor-Defendant the
State of Oregon*

PETER F. NERONHA
Attorney General of Rhode Island
MICHAEL W. FIELD
Assistant Attorney General
MARIA R. LENZ
Assistant Attorney General
*Attorneys for Intervenor-Defendant the
State of Rhode Island*

THOMAS J. DONOVAN, JR.
Attorney General of Vermont
BENJAMIN D. BATTLES
Solicitor General
*Attorneys for Intervenor-Defendant the
State of Vermont*

MARK R. HERRING
Attorney General of Virginia
TOBY J. HEYTENS
Solicitor General
MATTHEW R. MCGUIRE
Deputy Solicitor General
*Attorneys for Intervenor-Defendant the
Commonwealth of Virginia*

ROBERT W. FERGUSON
Attorney General of Washington
JEFFREY G. RUPERT
Chief, Complex Litigation Division
JEFFREY T. SPRUNG
Assistant Attorney General
*Attorneys for Intervenor-Defendant the
State of Washington*

KARL A. RACINE
Attorney General for the District of
Columbia
ROBYN R. BENDER
Deputy Attorney General
VALÉRIE M. NANNERY
Assistant Attorney General
*Attorneys for Intervenor-Defendant the
District of Columbia*

CERTIFICATE OF SERVICE

On January 3, 2019, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5 (b)(2).

 /s/ Ashley Harrison