

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

TEXAS, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants,

CALIFORNIA, *et al.*,

Intervenors-Defendants.

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

**[PROPOSED] INTERVENOR ANSWER BY THE U.S. HOUSE OF
REPRESENTATIVES TO AMENDED COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Intervenor the U.S. House of Representatives, in response to the Amended Complaint for Declaratory and Injunctive Relief (“Complaint”), herein admits and denies the allegations in the Complaint as follows:

Plaintiffs’ introduction contains conclusions of law to which no response is required, but the House of Representatives admits that Plaintiffs seek declaratory and injunctive relief.

I. PARTIES

1-3. The House of Representatives admits the allegations, except that Paul LePage is no longer the Governor of Maine.

4-6. The House of Representatives lacks knowledge or information sufficient to admit or deny the allegations and therefore denies the allegations on that basis.

7-9. The House of Representatives admits the allegations.

10. The House of Representatives denies the allegations.

II. JURISDICTION AND VENUE

11-13. Without admitting that Plaintiffs have standing to bring this action, that the claims are ripe for review, or that Plaintiffs are entitled to any relief, the House of Representatives does not dispute the jurisdiction and venue allegations.

III. FACTUAL BACKGROUND

14-15. The House of Representatives admits the allegations.

16-20. These paragraphs contain Plaintiffs' statement of the case and legal arguments and thus do not require a response.

21-22. The House of Representatives admits the allegations.

23-29. These paragraphs contain Plaintiffs' statement of the case and legal arguments and thus do not require a response.

30. The House of Representatives admits the allegations.

31-37. These paragraphs contain Plaintiffs' statement of the case and legal arguments and thus do not require a response.

38-41. These paragraphs contain Plaintiffs' statement of the case and legal arguments and thus do not require a response. Moreover, to the extent a response is required, the House of Representatives denies, in part because the House of Representatives lacks knowledge or information sufficient to admit or deny the allegations.

42. The House of Representatives lacks knowledge or information sufficient to admit or deny the allegations and therefore denies the allegations on that basis.

43-45. The House of Representatives denies the allegations.

46. The House of Representatives lacks knowledge or information sufficient to admit or deny the allegation and therefore denies the allegation on that basis.

47. The House of Representatives denies the allegations.

IV. CLAIMS FOR RELIEF

COUNT ONE

48. The House of Representatives reasserts its previous denials and admissions to each and every paragraph of the Complaint as if fully set forth herein.

49-60. These paragraphs contain Plaintiffs' statement of the case and legal arguments and thus do not require a response.

COUNT TWO

61. The House of Representatives reasserts its previous denials and admissions to each and every paragraph of the Complaint as if fully set forth herein.

62-70. These paragraphs contain Plaintiffs' statement of the case and legal arguments and thus do not require a response.

COUNT THREE

71. The House of Representatives reasserts its previous denials and admissions to each and every paragraph of the Complaint as if fully set forth herein.

72-77. These paragraphs contain Plaintiffs' statement of the case and legal arguments and thus do not require a response. To the extent a response is required, the House of Representatives denies the allegations, particularly the allegations that the ACA is unconstitutional and that Plaintiffs are entitled to the relief requested.

COUNT FOUR

78. The House of Representatives reasserts its previous denials and admissions to each and every paragraph of the Complaint as if fully set forth herein.

79-83. These paragraphs contain Plaintiffs' statement of the case and legal arguments and thus do not require a response. To the extent a response is required, the House of Representatives denies the allegations, particularly the allegations that the ACA is unconstitutional and that Plaintiffs are entitled to the relief requested.

COUNT FIVE

84. The House of Representatives reasserts its previous denials and admissions to each and every paragraph of the Complaint as if fully set forth herein.

85. The House of Representatives denies the allegation.

V. PRAYER FOR RELIEF

No response is required to the Prayer for Relief, but to the extent a response is required, the House of Representatives denies the allegations, particularly the allegations that Plaintiffs are entitled to the requested relief.

VI. AFFIRMATIVE DEFENSES

First Defense

Plaintiffs are not entitled to relief to the extent that their claims are not ripe for review.

Second Defense

Plaintiffs are not entitled to relief to the extent that they lack standing.

Third Defense

Plaintiffs are not entitled to relief to the extent that they have failed to exhaust administrative remedies.

Fourth Defense

Plaintiffs are not entitled to relief to the extent that their Complaint fails to state a claim.

Additional Defenses

The House of Representatives hereby gives notice that it may rely on other defenses if and when such defenses become known during the course of litigation.

WHEREFORE, having fully answered, Intervenor-Defendant House of Representatives respectfully requests that the Court enter judgment dismissing this action with prejudice and that Plaintiffs take nothing by the Complaint, and that the House of Representatives be awarded such other and further relief as the Court may deem necessary and proper.

Dated: January ____, 2019

Respectfully submitted,

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Counsel for the U.S. House of Representatives

CERTIFICATE OF SERVICE

I hereby certify that on January ____, 2019, the foregoing document was filed with the Clerk of the Court, using the CM/ECF system, causing it to be served on all counsel of record.

Dated: January ____, 2019

Respectfully submitted,

s/ Donald B. Verrilli, Jr.
Donald B. Verrilli, Jr.