



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

Josh Kaul
Attorney General

17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857
www.doj.state.wi.us

Corey F. Finkelmeyer
Assistant Attorney General
finkelmeyercf@doj.state.wi.us
608/266-7342
FAX 608/267-8906

January 29, 2020

Mr. Lyle W. Cayce, Clerk
United States Court of Appeals for the Fifth Circuit
F. Edward Hebert Building
600 South Maestri Place
New Orleans, LA 70130-3408

Re: *State of Texas, et al. v. United States, et al.*,
No. 18-10545

Plaintiff-Appellee State of Wisconsin submits this letter under Fed. R. App. P. 28(i) to notify the Court that it joins and adopts portions of the brief filed by the States of Texas, Kansas, Louisiana, Indiana, and Nebraska. Specifically, the State of Wisconsin, as Appellee, joins and adopts by reference the following sections of the Argument, as specified:

- Sec. I's legal argument that the ACA exempts states providing Medicaid through a managed-care model from paying the HIPF.
- Sec. II.A's legal argument that the States have standing in this lawsuit because they sustained an injury due to the Certification Rule, and their injury is at least partially redressable by the relief the District Court ordered in this case. Because Wisconsin is not a State Appellant, it does not join the reference in footnote 10.
- Sec. II.B's legal arguments, with the exception of the State Appellants' argument in footnote 12.
- Sec. III.B's legal arguments that the Certification Rule improperly grants a private entity the authority to prescribe the rules by which States' MCO contracts are judged and to certify compliance with those rules. Because Wisconsin is not a State Appellant, it does not join any references to the State Appellants' arguments in this section.

Given that Wisconsin makes no independent arguments in this case, Wisconsin waives its right to oral argument.

Mr. Lyle W. Cayce
January 29, 2020
Page 2

For these reasons, the State of Wisconsin respectfully requests that the District Court's Final Judgment be affirmed.

Sincerely,

s/ Corey F. Finkelmeyer
Corey F. Finkelmeyer
Assistant Attorney General

CFF:jrs

Mr. Lyle W. Cayce
January 29, 2020
Page 3

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2020, I electronically filed the foregoing Joinder Letter with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Corey F. Finkelmeyer
Corey F. Finkelmeyer
Assistant Attorney General