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February 18, 2020

Scott S. Harris  
Clerk of the Court  
Supreme Court of the United States  
One First Street N.E.  
Washington, D.C. 20543

Re: *California, et al. v. Texas, et al.*, No. 19-840

Dear Mr. Harris:

I am counsel of record for the U.S. House of Representatives, which is a respondent aligned with petitioner in No. 19-840. The House is also the petitioner in No. 19-841, which arises from the same court of appeals decision as No. 19-840.

On February 14, 2020, the individual and state respondents in Nos. 19-840 and 19-841 filed a conditional cross-petition, which has been docketed as No. 19-1019. I write to inform you that, although the House disagrees with the merits of the position advanced in the conditional cross-petition, the House acquiesces to the conditional cross-petition so that no issue arises regarding the scope of relief the Court may afford should it grant either or both of the petitions for certiorari filed by the House (19-841) and California and the other defendant States (19-840).<sup>1</sup> The House reserves its right to argue, as it has in its petition for a writ of certiorari, that Section 5000A of the Affordable Care Act is wholly severable from the remainder of the Act.

Additionally, should the Court grant the petition in this case, the House requests that, for purposes of briefing and argument, the state respondents, the individual respondents, and the United States be aligned as respondents, and that the House be aligned with petitioner. If the Court were to grant both this petition and the House's petition filed in No. 19-841 and to consolidate the cases, or to grant the House's petition but not No. 19-840, the same alignment would be appropriate.

Thank you very much for your time and assistance on this matter.

Very truly yours,

/s/ Douglas N. Letter  
Douglas N. Letter

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<sup>1</sup> The House takes no position on whether a cross-petition is necessary to afford respondents their requested relief in the specific circumstances of this case.