

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET
SACRAMENTO, CA 95814

Telephone: (916) 210-6269
E-Mail: Sam.Siegel@doj.ca.gov

February 19, 2020

Via Electronic Filing System and Overnight Delivery

Hon. Scott S. Harris, Clerk
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
United States House of Representatives v. Texas, et al., No. 19-841
Texas, et al. v. California, et al., No. 19-1019

Dear Mr. Harris:

I write on behalf of the state cross-respondents in No. 19-1019, who are petitioners in No. 19-840 and respondents aligned with the petitioner in No. 19-841. The Court is scheduled to consider the petition in No. 19-840 (along with the petition in No. 19-841) at the February 21, 2020 conference. On February 14, the cross-petitioners in No. 19-1019, who are respondents in No. 19-840 and No. 19-841, filed a conditional cross-petition. The cross-petition argues that, if the Court grants the petition in No. 19-840 or No. 19-841, it should also grant the cross-petition to “ensure that any writ of certiorari . . . encompasses whether the circuit court should have affirmed the district court’s judgment in its entirety.” Cross-Pet. 2. It further argues that the minimum coverage provision is inseverable from the rest of the ACA’s “remaining provisions.” *Id.* at 11-12.

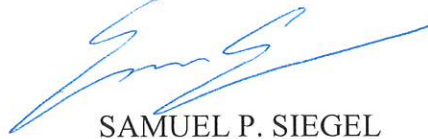
For the reasons explained in the petition in No. 19-840 (at 23-26) and in the reply in support of that petition (at 11-12), we disagree with cross-petitioners’ theory of severability. We agree, however, that this Court should have the ability to decide the full range of remedial issues presented by this important case. Accordingly, the state cross-respondents in matter No. 19-1019 acquiesce to the conditional cross-petition. In light of that position, we do not intend to file a response to the cross-petition, but would be happy to do so should the Court request one.¹

¹ We agree with the proposal by the House of Representatives in its February 18, 2020 letter regarding how the Court should align the parties for purposes of briefing and argument if it grants any of the pending petitions.

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Sincerely,



SAMUEL P. SIEGEL
Deputy Solicitor General

For XAVIER BECERRA
Attorney General

cc: Douglas N. Letter
General Counsel
U.S. House of Representatives

Noel J. Francisco
Solicitor General
United States Department of Justice

Kyle D. Hawkins
Solicitor General
Office of the Attorney General
State of Texas

Robert Henneke
Texas Public Policy Foundation
Center for the American Future