

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA

IRISH 4 REPRODUCTIVE HEALTH, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES, et al.,

Defendants.

Case No. 3:18-cv-491-PPS-MGG

Judge Philip P. Simon

PLAINTIFFS' NOTICE OF VOLUNTARY WITHDRAWAL OF CERTAIN CLAIMS

WHEREAS, on December 5, 2018, Plaintiffs filed an amended complaint in the above-captioned action, ECF No. 43 (the "Amended Complaint");

WHEREAS, on July 8, 2020, the Supreme Court issued its decision in *Little Sisters of the Poor Saints Peter and Paul Home v. Pennsylvania et al.*, 2020 WL 3808424 (July 8, 2020) ("*Little Sisters*");

WHEREAS, the *Little Sisters* decision affects some of Plaintiffs' claims in this action;

Plaintiffs hereby voluntarily withdraw portions of their claims in the Amended Complaint as follows:

- Count I, insofar as Plaintiffs claimed that the Settlement Agreement violates the Administrative Procedure Act ("APA") because the Settlement Agreement is not in accordance with the Affordable Care Act ("ACA") requirement that group health plans and individual health insurance cover the preventive-care services identified in HRSA's Women's Preventive Service Guidelines (§ 173)¹, is withdrawn;
- Count I, insofar as Plaintiffs claimed that the Government Defendants exceeded their statutory authority by executing a Settlement Agreement that is not in accordance with the ACA requirement for coverage of contraceptives without cost-sharing (§ 174), is withdrawn;

¹ All "§" citations refer to the Amended Complaint.

- Count I, insofar as Plaintiffs claimed that the Settlement Agreement violates the APA because the Settlement Agreement is not in accordance with the U.S. Supreme Court's Orders in *Zubik v. Burwell*, 136 S. Ct. 1557 (2016), and *Univ. of Notre Dame v. Burwell*, 136 S. Ct. 2007 (2016) (§§ 170-172), is withdrawn;
- Count III (§§ 189-198) is withdrawn;
- Count IV, insofar as Plaintiffs claimed that the Rules violate the APA because the Rules are not in accordance with the ACA requirement that group health plans and individual health insurance cover the preventive-care services identified in HRSA's Women's Preventive Service Guidelines (§ 206), is withdrawn; and
- Count IV, insofar as Plaintiffs claimed that the Government Defendants exceeded their statutory authority by issuing Rules that do away with the ACA requirement for coverage of contraceptives without cost-sharing (§ 207), is withdrawn.

This notice shall not otherwise affect Plaintiffs' rights with respect to any of its claims or causes of action.

Dated: July 31, 2020

Respectfully submitted,

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