

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

STATE OF INDIANA, <i>et al.</i>)	
)	
Plaintiffs,)	
v.)	Case No. 1:13-cv-01612-WTL-TAB
)	
INTERNAL REVENUE SERVICE, <i>et al.</i> ,)	
)	
Defendants.)	

DEFENDANTS’ CROSS-MOTION FOR SUMMARY JUDGMENT

The defendants, Internal Revenue Service; United States Department of Treasury; United States Department of Health and Human Services; United States Department of Labor; John Koskinen, in his official capacity as Commissioner of Internal Revenue; Jacob Lew, in his official capacity as Secretary of the Treasury; Kathleen Sebelius, in her official capacity as Secretary of Health and Human Services; and Thomas Perez, in his official capacity as Secretary of Labor, through the undersigned counsel, respectfully move this Court for summary judgment with respect to all claims of all parties pursuant to Rule 56 of the Federal Rules of Civil Procedure. In support of this motion, the defendants refer the Court to the Defendants’ Memorandum in Support of Their Cross-Motion for Summary Judgment and in Opposition to Plaintiffs’ Motions for Summary Judgment, and the following exhibits accompanying hereto:

- Exh. 1 Congressional Budget Office, *Key Issues in Analyzing Major Health Insurance Proposals* (2008) (excerpts)
- Exh. 2 *47 Million and Counting: Why the Health Care Marketplace Is Broken: Hearing Before the S. Comm. on Finance, 110th Cong., 2d Sess.* (2008) (excerpts)
- Exh. 3 Sara R. Collins et al., *Help on the Horizon, Findings from the Commonwealth Fund Biennial Health Insurance Survey of 2010* (excerpts)

- Exh. 4 Congressional Budget Office, *An Analysis of Health Insurance Premiums Under the Patient Protection and Affordable Care Act* (Nov. 30, 2009)
- Exh. 5 Congressional Budget Office, *Updated Estimates of the Effects of the Insurance Coverage Provisions of the Affordable Care Act* (April 2014)
- Exh. 6 H.R. REP. NO. 111-443, pts. I and II (2010) (excerpts)
- Exh. 7 Linda J. Blumberg & John Holahan, *Health Status of Exchange Enrollees: Putting Rate Shock in Perspective* (Urban Institute July 2013)
- Exh. 8 *Roundtable Discussion on Expanding Health Care Coverage: Hearing Before the Senate Comm. on Finance, 111th Cong., 1st Sess. (2009)* (excerpts)
- Exh. 9 Office of the Ass't Sec'y for Planning & Evaluation, U.S. Dep't of Health & Human Servs., *ASPE Issue Brief: Health Insurance Marketplace Premiums for 2014* (Sept. 25, 2013)
- Exh. 10 Declaration of Anne Marie Costello with attached exhibits
- Exh. 11 Ind. Family & Soc. Servs. Admin., *Healthy Indiana Plan 1115 Waiver Extension Application* (Apr. 12, 2013)
- Exh. 12 Jonathan Gruber, *Health Care Reform Is a "Three-Legged Stool": The Costs of Partially Repealing the Affordable Care Act* (Aug. 2010)
- Exh. 13 *Health Reform in the 21st Century: Insurance Market Reforms: Hearing Before the H. Comm. on Ways and Means, 111th Cong., 1st Sess. (Apr. 22, 2009)* (excerpts)
- Exh. 14 155 Cong. Rec. S13,832 (Dec. 23, 2009) (Sen. Baucus)
- Exh. 15 156 Cong. Rec. H2423-24 (Mar. 25, 2010) (Rep. Waxman)
- Exh. 16 Letter from Douglas Elmendorf, Director, CBO, to Rep. Darrell Issa, Chair, Committee on Oversight and Gov't Reform, U.S. House of Representatives (Dec. 6, 2012)
- Exh. 17 155 Cong. Rec. S12,764 (Dec. 9, 2009) (Sen. Baucus)
- Exh. 18 155 Cong. Rec. S13,559 (Dec. 20, 2009) (Sen. Durbin)
- Exh. 19 155 Cong. Rec. S13,733 (Dec. 22, 2009) (Sen. Landrieu)
- Exh. 20 155 Cong. Rec. S13,375 (Dec. 17, 2009) (Sen. Johnson)

- Exh. 21 155 Cong. Rec. S12,358 (Dec. 4, 2009) (Sen. Bingaman)
- Exh. 22 155 Cong. Rec. S11,964 (Nov. 21, 2009) (Sen. Baucus)
- Exh. 23 CQ Transcriptions, *Rep. John M. Spratt Jr., Holds a Markup on the Reconciliation Act of 2010* (H. Comm. on Budget Mar. 15, 2010) (commercial transcript) (excerpts)
- Exh. 24 Joint Committee on Taxation, *Technical Explanation of the Revenue Provisions of the "Reconciliation Act of 2010," as Amended, in Combination with the "Patient Protection and Affordable Care Act"* (Mar. 21, 2010) (excerpts)
- Exh. 25 House Committees on Ways and Means, Energy and Commerce, and Education and Labor, *Health Insurance Reform at a Glance: The Health Insurance Exchanges* (Mar. 20, 2010)
- Exh. 26 S. REP. NO. 111-89 (2009) (excerpts)

WHEREFORE, the defendants, by counsel and pursuant to Rule 56 of the Federal Rules of Civil Procedure, respectfully request that the Court award summary judgment to them with respect to all claims of all parties.

Dated: April 16, 2014

Respectfully submitted,

STUART F. DELERY
Assistant Attorney General

JOSEPH H. HOGSETT
United States Attorney

SHELESE WOODS
Assistant United States Attorney

/s/ Joel McElvain
SHEILA LIEBER
Deputy Branch Director
JOEL McELVAIN
Senior Trial Counsel
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Washington, D.C. 20530
(202) 514-2988
Joel.McElvain@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2014, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Ashley Tatman Harwel
ashley.harwel@atg.in.gov

Heather Hagan McVeigh
heather.mcveigh@atg.in.gov

Thomas M. Fisher
tom.fisher@atg.in.gov

Kenneth Alan Klukowski
kenklukowski@gmail.com

Andrew M. McNeil
amcneil@boselaw.com

John Zhi Huang
jhuang@boselaw.com

Winthrop James Hamilton
jhamilton@boselaw.com

/s/ Joel McElvain
JOEL McELVAIN
Senior Trial Counsel
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Washington, D.C. 20530
(202) 514-2988
Joel.McElvain@usdoj.gov