

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

* * * * * * *

UNITEDHEALTHCARE OF
NEW YORK, INC.

* *

and *
and *

OXFORD HEALTH INSURANCE, INC., *

Plaintiffs, *

V. *

MARIA T. VULLO, in her official capacity as Superintendent of Financial Services of the State of New York,

Defendant. *

* * * * *

Civil Action
No. 1:17-cv-07694-JGK

**DECLARATION OF WILLIAM J. GOLDEN IN SUPPORT OF
PLAINTIFFS' MOTION FOR INJUNCTION PENDING APPEAL**

Pursuant to 28 U.S.C. § 1746, I, **WILLIAM J. GOLDEN**, hereby declare as follows:

1. I am employed by United HealthCare Services, Inc. ("UnitedHealthcare") as its Chief Executive Officer. UnitedHealthcare is, respectively, an affiliate of plaintiff Oxford Health Insurance, Inc. and an affiliate of plaintiff UnitedHealthcare of New York, Inc. I respectfully submit this declaration in support of Plaintiffs' Motion for an Injunction Pending Appeal. Unless otherwise stated on information and belief, I make this declaration based on my personal knowledge, including documents and information kept by UnitedHealthcare in the ordinary course of business or otherwise made available to me in the course of my employment. If called upon to do so, I could and would testify to the facts stated below.

2. I have been employed by UnitedHealthcare since November of 1997. I joined UnitedHealthcare as Regional Vice President of Sales for the Northeast market. In my current position at UnitedHealthcare, I am responsible for all Employee and Individual local markets. Currently, my reports include approximately 12 employees.

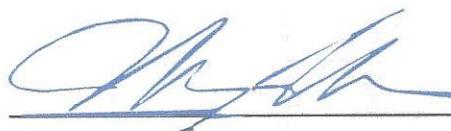
3. Based on my position and experience at UnitedHealthcare, I am familiar with the Plaintiffs' financial condition and available cash resources to satisfy any invoice Defendant may issue pursuant to the New York regulation entitled "Establishment and Operation of Market Stabilization Mechanisms for Certain Health Insurance Markets," 11 N.Y.C.R.R. 361 amend. 6 (the "2017 New York Regulation"), should the Court of Appeals affirm this Court's judgment that this regulation is constitutional.

4. I understand that the 2017 New York Regulation purports to authorize Defendant to issue an invoice requiring Plaintiffs to pay the New York Department of Financial Services up to 30% of the federal risk adjustment transfers that Plaintiffs are to receive under the federal Patient Protection and Affordable Care Act ("ACA") in the small group market for plan year 2017. The Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services has announced that for plan year 2017, plaintiff Oxford Health will receive \$216,646,628.89 in ACA risk adjustment payments in the small group market. Accordingly, if the Defendant exercises her full authority under the 2017 New York Regulation, Oxford Health would owe the New York Department of Financial Services \$64,993,989.

5. The total capital and surplus held by Oxford Health Insurance, Inc., as of June 30, 2018 was \$1,486,444,148. The total cash, cash equivalents, and short term investments held by Oxford Health Insurance, Inc. as of June 30, 2018 was \$560,131,051.

6. Plaintiff Oxford Health accordingly has more than ample available cash resources to satisfy any invoice Defendant may issue pursuant to the 2017 New York Regulation.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct. This declaration is executed this 23rd day of August, 2018 in New York .



William J. Golden
Chief Executive Officer, UnitedHealthcare