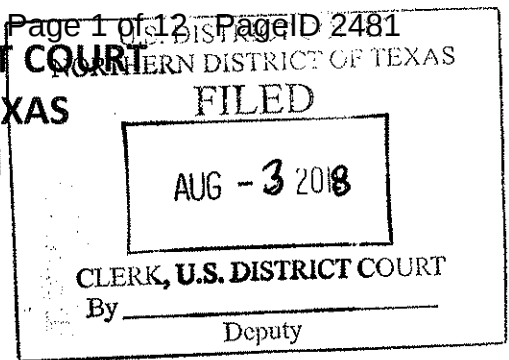


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



TEXAS, ET AL., Original Plaintiffs;
STEPHEN P. WALLACE, Private Attorney General,
And All US Taxpayers adversely affected,
Additional Plaintiffs,

CASE #: 4:18-cv-00167-O
Jury Trial Demanded

vs.

UNITED STATES OF AMERICA, ET AL.
Original Defendants;
JOHN S. MCCAIN, Individually;
Additional Defendant.

**ADDITIONAL "NECESSARY PLAINTIFFS" REPLY TO PLAINTIFF-STATES' OPPOSITION TO US
JUDGE O'CONNOR TO GRANT MOTION TO INTERVENE & "TO ISSUE THE SUMMONS" ON
JOHN S. MCCAIN AND CROSS-MOTION TO STRIKE PLAINTIFF-STATES' OVERT DENIAL OF
DUE PROCESS, HAVING PREVIOUSLY "WAIVED ANY OBJECTION" VIA IN-HOUSE COUNSEL**

1 That the Court shall take Judicial Notice that [API's] initial INTERVENTION in the Eastern Virginia USDC [Case #:2017-cv-00411] vs. [JSM] has now been **"Blocked"** from proffering Supporting Irrefutable EVIDENCE; (enclosed)

2 That Plaintiff-States' have already "Waived their Objection" via their in-house Counsel's NOTICE via US Mail; (enclosed)

3 That President Trump's USDOJ has **"Withdrawn the Defense of ACA"**, confirming that [JSM] was and still is the "sole Procuring Cause" of the "Failure to Abolish ACA"; (enclosed)

4 That the Court shall take Judicial Notice that [JSM] continues his pernicious Attack on the President's Agenda, and should be considered a "Necessary Hostile Witness"; (enclosed)

Wherefore, [API] request that Judge O'Connor, having allowed [API] Intervention to Date, Review the Eastern Virginia CASE to confirm that [API] were "never Dismissed" from the CASE since Filing, and only Dismissed the RICO CASE due to Original Plaintiff Heghmann's "Failure to State a Claim" like [API's], making [API's] Motion To Intervene, MOOT.

Respectfully submitted via USPS Priority Mail with Delivery Confirmation this [8/1/18],

Stephen P. Wallace, Private Attorney General

Cc: President Trump, et al.

CERTIFICATE of SERVICE

Stephen P. Wallace

I certify that I forwarded a Verified Copy to Texas Attorney General Paxton for his circulation to All Attorney General's & to John S. McCain

Stephen P. Wallace



Party Search Results

Search Criteria: Party Search; Last Name: heghmann; First Name: robert; Middle Name: a;
Jurisdiction Type: Civil; Court ID: [VAE]

Result Count: 1 (1 page)

Current Page: 1

Party Name	Heghmann, Robert A. (pla)
Case Number	2:2017cv00411
Case Title	Heghmann v. The Republican National Committee et al
Court	Virginia Eastern District Court
Date Filed	08/03/2017
Date Closed	02/21/2018

PACER Service Center**Receipt** 08/01/2018 11:03:21 460496550**User** ij0075**Client Code**

Description Civil Party Search
Court ID VAE; Name heghmann, robert a; Jurisdiction CV;
Page: 1

Billable Pages 1 (\$0.10)

CM/ECF Filer or PACER Login

Notice

This is a **Restricted Web Site** for Official Court Business only. Unauthorized entry is prohibited and subject to prosecution under Title 18 of the U.S. Code. All activities and access attempts are logged.

Instructions for filing:

Enter your CM/ECF filer login and password if you are electronically filing something with the court.

If you received this login page as a result of a link from a Notice of Electronic Filing email:

Enter your CM/ECF filer login and password. The system prompts customers for a CM/ECF login and password when attempting to view certain types of documents.

If you have trouble viewing a document:

After successful entry of your CM/ECF login, you should be able to view the document. If you receive the message "You do not have permission to view this document," viewing the document is restricted to attorneys of record in the case and the system does not recognize you as such. If the login prompt appears again, after you have entered your CM/ECF login and password, it means that the "free look" link has expired. You will need to enter your PACER login and password to view the document.

Instructions for viewing filed documents and case information:

If you do not need filing capabilities, enter your PACER login and password. If you do not have a PACER login, you may register online at <http://www.pacer.gov>.

Authentication

Login:

Password:

client
code:

IMPORTANT NOTICE OF REDACTION

RESPONSIBILITY: All filers must redact: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; financial account numbers; and, in criminal cases, home addresses, in compliance with Fed. R. Civ. P. 5.2 or Fed. R. Crim. P. 49.1. This requirement applies to all documents, including attachments.

☐ I understand that, if I file, I must comply with the redaction rules. I have read this notice.

Login

Reset

Notice

An access fee of \$0.10 per page or \$2.40 per document with an audio attachment, as approved by the Judicial Conference of the United States, will be assessed for access to this service. For more information about CM/ECF, [click here](#) or contact the PACER Service Center at (800) 676-6856.

CM/ECF has been tested with Firefox and Internet Explorer 8 and 9.



S. Paul Wallace <wallyamundo@gmail.com>

Civil Action No. 4:18-cv-00167-O; Texas, et al., v. United States, et al.

1 message

Saunders, Elizabeth <Elizabeth.Saunders@oag.texas.gov>

Fri, Apr 27, 2018 at 1:36 PM

To: "S. Paul Wallace (wallyamundo@gmail.com)" <wallyamundo@gmail.com>

Cc: "McCarty, Darren" <Darren.McCarty@oag.texas.gov>

Dear Mr. Wallace,

Please find attached Plaintiffs' Application for Preliminary Injunction; Proposed Order on Application for Preliminary Injunction; Brief in Support of Application for Preliminary Injunction; and Appendix in Support of Application for Preliminary Injunction filed in the above-referenced case. We will mail copies via certified mail as well.

Sincerely,

Elizabeth A. Saunders

Legal Assistant, Special Counsel Unit

Office of the Attorney General of Texas

P.O. Box 12548

Austin, Texas 78711

Elizabeth.Saunders@oag.texas.gov

4 attachments**39 Application for Preliminary Injunction.pdf**

133K

**39.1 Proposed Order on Application for Preliminary Injunction.pdf**

90K

**40 Brief in Support of Application for Preliminary Injunction.pdf**

540K

**41 Appendix in Support of Application for Preliminary Injunction.pdf**

6973K

**In the United States District Court
FOR THE NORTHERN DISTRICT OF TEXAS**

TEXAS, WISCONSIN, ALABAMA, ARKANSAS, ARIZONA, FLORIDA, GEORGIA, INDIANA,
KANSAS, LOUISIANA, PAUL LEPAGE, *Governor of Maine*, GOVERNOR PHIL BRYANT OF
THE STATE OF MISSISSIPPI, MISSOURI, NEBRASKA, NORTH DAKOTA, SOUTH CAROLINA,
SOUTH DAKOTA, TENNESSEE, UTAH, WEST VIRGINIA, NEILL HURLEY, *and* JOHN NANTZ,

PLAINTIFFS,

v.

UNITED STATES OF AMERICA, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
SERVICES, ALEX AZAR, *in his Official Capacity as* SECRETARY OF HEALTH AND HUMAN
SERVICES, UNITED STATES INTERNAL REVENUE SERVICE, *and* DAVID J. KAUTTER, *in*
his Official Capacity as Acting COMMISSIONER OF INTERNAL REVENUE,

DEFENDANTS.

**PLAINTIFFS' UNOPPOSED MOTION FOR EXTENSION OF PAGE LIMITS
TO FILE REPLY BRIEF IN SUPPORT OF APPLICATION FOR
PRELIMINARY INJUNCTION**

Plaintiffs respectfully file this motion to extend the page limitations for their omnibus reply brief in support of their application for preliminary injunction (Doc. 39). In support of this motion, Plaintiffs show the following:

1. Northern District Local Rule 7.2(c) provides that reply briefs in support of motions are limited to ten (10) pages in length.
2. On June 7, Intervenor-Defendants and Federal Defendants responded to Plaintiffs' application for preliminary injunction. *See* Docs. 91, 92. The responses collectively span 71 pages and challenge, on numerous grounds, the relief Plaintiffs

FC PKG 11L

neopost

07/06/2018

US POSTAGE

\$011.70



ZIP 78700
0411L12203080

OFFICIAL BUSINESS
STATE OF TEXAS
PENALTY FOR PRIVATE USE

NV
8-12-18
7-5-19

STEPHEN P WALLACE
1116 SHEFFER RD APT F
AURORA IL 60505

1170
7/4



7015 1730 0000 0137 6809



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

P O BOX 12548 MC 061
AUSTIN TEXAS 78711-2548

Return Service Requested

No. 4:18-cv-00167-O

**In the United States District Court
FOR THE NORTHERN DISTRICT OF TEXAS**

TEXAS, WISCONSIN, ALABAMA, ARKANSAS, ARIZONA, FLORIDA, GEORGIA, INDIANA,
KANSAS, LOUISIANA, PAUL LePAGE, *Governor of Maine*, GOVERNOR PHIL BRYANT OF
THE STATE OF MISSISSIPPI, MISSOURI, NEBRASKA, NORTH DAKOTA, SOUTH CAROLINA,
SOUTH DAKOTA, TENNESSEE, UTAH, WEST VIRGINIA, NEILL HURLEY, *and* JOHN NANTZ,

PLAINTIFFS,

v.

UNITED STATES OF AMERICA, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
SERVICES, ALEX AZAR, *in his Official Capacity as* SECRETARY OF HEALTH AND HUMAN
SERVICES, UNITED STATES INTERNAL REVENUE SERVICE, *and* DAVID J. KAUTTER, *in*
his Official Capacity as Acting COMMISSIONER OF INTERNAL REVENUE,

DEFENDANTS.

**REPLY BRIEF OF PLAINTIFFS IN SUPPORT OF APPLICATION FOR
PRELIMINARY INJUNCTION**

[Counsel listed on next page]

**In the United States District Court
FOR THE NORTHERN DISTRICT OF TEXAS**

TEXAS, WISCONSIN, ALABAMA, ARKANSAS, ARIZONA, FLORIDA, GEORGIA, INDIANA,
KANSAS, LOUISIANA, PAUL LEPAGE, *Governor of Maine*, GOVERNOR PHIL BRYANT OF
THE STATE OF MISSISSIPPI, MISSOURI, NEBRASKA, NORTH DAKOTA, SOUTH CAROLINA,
SOUTH DAKOTA, TENNESSEE, UTAH, WEST VIRGINIA, NEILL HURLEY, *and* JOHN NANTZ,

PLAINTIFFS,

v.

UNITED STATES OF AMERICA, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
SERVICES, ALEX AZAR, *in his Official Capacity as* SECRETARY OF HEALTH AND HUMAN
SERVICES, UNITED STATES INTERNAL REVENUE SERVICE, *and* DAVID J. KAUTTER, *in*
his Official Capacity as Acting COMMISSIONER OF INTERNAL REVENUE,

DEFENDANTS.

**SUPPLEMENTAL APPENDIX IN SUPPORT OF PLAINTIFFS'
APPLICATION FOR PRELIMINARY INJUNCTION**

TABLE OF CONTENTS

Exhibit	Document	Pages
T	Declaration of Blake Fulenwider, Deputy Commissioner and Chief of the Division of Medical Assistance Plans for the Georgia Department of Community Health	155-160
U	Declaration of Teresa MacCartney, Chief Financial Officer of the State of Georgia and Director of the Governor's Office of Planning and Budget	162-171
V	Declaration of James J. Donelon, Louisiana Commissioner of Insurance	173-177
W	Declaration of Eric A. Cioppa, Maine Superintendent of Insurance	179-182

The Washington Post
Health & Science

Trump administration won't defend ACA in case brought by GOP states

by Amy Goldstein June 7

The Trump administration said Thursday night that it will not defend the Affordable Care Act against the latest legal challenge to its constitutionality — a dramatic break from the executive branch's tradition of arguing to uphold existing statutes and a land mine for health insurance changes the ACA brought about.

In a brief filed in a Texas federal court and an accompanying letter to the House and Senate leaders of both parties, the Justice Department agrees in large part with the 20 Republican-led states that brought the suit. They contend that the ACA provision requiring most Americans to carry health insurance soon will no longer be constitutional and that, as a result, consumer insurance protections under the law will not be valid, either.

The three-page letter from Attorney General Jeff Sessions begins by saying that Justice adopted its position “with the approval of the President of the United States.” The letter acknowledges that the decision not to defend an existing law deviates from history but contends that it is not unprecedented.

The bold swipe at the ACA, a Republican whipping post since its 2010 passage, does not immediately affect any of its provisions. But it puts the law on far more wobbly legal footing in the case, which is being heard by a GOP-appointed judge who has in other recent cases ruled against more minor aspects.

The administration does not go as far as the Texas attorney general and his counterparts. In their suit, lodged in February in the U.S. District Court for the Northern District of Texas, they argue that the entire law is now invalid.

By contrast, the Justice brief and letter say many other aspects of the law can survive because they can be considered legally distinct from the insurance mandate and such consumer protections as a ban on charging more or refusing coverage to people with preexisting medical conditions.

A group of 17 Democratic-led states that have won standing in the case also filed a brief on Thursday night arguing for the ACA's preservation.

While the case has to play out from here, the administration's striking position raises the possibility that major parts of the law could be struck down — a year after the Republican Congress failed at attempts to repeal core provisions.

In an unusual filing just before 6 p.m. Thursday, when the brief was due, the three career Justice attorneys involved in the case — Joel McElvain, Eric Beckenhauer and Rebecca Kopplin — withdrew.

The department's argument, if adopted by U.S. District Judge Reed O'Connor, “would be breathtaking in its effect,” said Timothy Jost, a retired Washington and Lee law professor who follows such litigation closely. “Of all of the actions the Trump administration has taken to undermine individual insurance markets, this may be the most destabilizing. . . . [If] I'm an insurer, I don't know what I am supposed to do or not.”

Jost, an ACA supporter, noted that the administration's decision not to defend the law comes during the season when participating insurers must file their rates for next year with state regulators. It raises new questions about whether insurers still will be required to charge the same prices to all customers, healthy or sick.

And Topher Spiro, vice president of health policy at the liberal Center for American Progress, said the administration's legal argument contradicts promises by Trump that he would not tamper with the ACA's protections for people with preexisting medical conditions.

University of Michigan law professor Nicholas Bagley, another ACA defender, went even further in a blog post. “If the Justice Department can just throw in the towel whenever a law is challenged in court, it can effectively pick and choose which laws should remain on the books,” he wrote. “That's not a rule of law I recognize. That's a rule by whim. And it scares me.”

Crusading against the ACA has been a priority of Trump's since his campaign for the White House. On his first night in office, Trump issued an executive order, directing federal agencies to lighten the regulatory burden placed by the law. Last October, the president unilaterally ended a significant part of the law that cushions insurers financially from an obligation to give discounts to decrease out-of-pocket costs to lower-income customers with ACA coverage.

More recently, the White House and Department of Health and Human Services have been working to make it easier for consumers to buy relatively inexpensive health plans that exclude some of the benefits the ACA requires.

The new challenge comes six years after the Supreme Court's divided ruling that the ACA is constitutional. That ruling hinged on the reasoning that, while the government “does not have the power to order people to buy health insurance,” as Chief Justice John G. Roberts Jr. wrote for the majority, it “does have the power to impose a tax on those without health insurance.”



Bipartisan bill would require Senate's approval to withdraw NATO

BY JORDAIN CARNEY - 07/26/18 06:06 PM EDT

Just In...

62 SHARES

SHARE

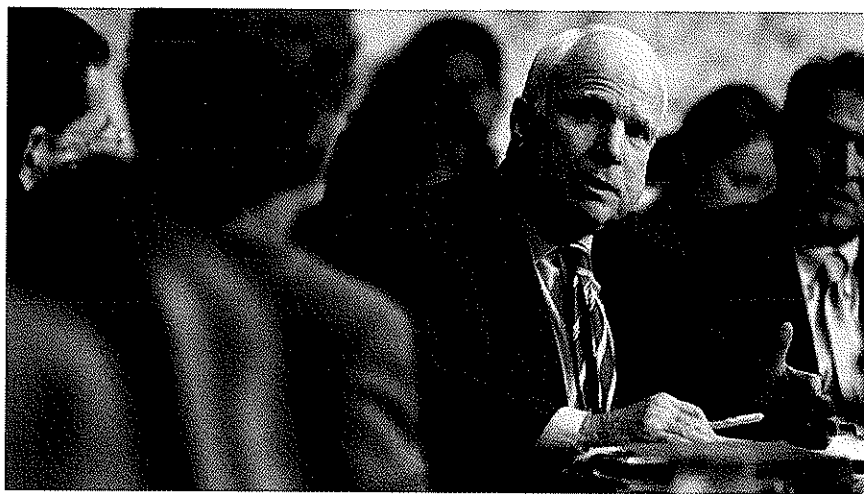
TWEET

PLI

Author: Clinton's loss in Wisconsin emblematic of Dem Party's 'abandonment' of working class
 RISING — 38S AGO

Trump thanks Kim for 'fulfilling a promise' with return of Korean War remains
 ADMINISTRATION — 1M 58S AGO

Disneyland raising hourly wages to \$15 after labor fight
 BLOG BRIEFING ROOM — 11M 36S AGO



© Greg Nash

DeVos to repeal Obama-era rule penalizing for-profit colleges that leave students with poor job prospects: report
 ADMINISTRATION — 14M 39S AGO

Full interview: Wis. Senate hopeful Kevin Nicholson talks tariffs, Trump and polarized politics
 RISING — 16M 53S AGO

Trump is finally vindicated on tariffs
 OPINION — 26M 32S AGO

Coffee company rejects \$40K Salesforce contract, citing tech firm's ties to Trump border policy
 LATINO — 32M 15S AGO

A bipartisan group of senators introduced legislation on Thursday to require President Trump to get the Senate's approval before he withdraws the United States from the North Atlantic Treaty Organization (NATO). The bill—from Sens. Tim Kaine (D-Va.), Cory Gardner (R-Colo.), Jack Reed (D-R.I.) and John McCain (R-Ariz.)—would require Trump to get the support of two-thirds of the Senate if he wanted to withdraw from the alliance or modify U.S. membership.

It would also authorize the Senate Legal Counsel to challenge any attempt by the administration to withdraw from NATO without the Senate's consent in court.

"Just as it was required to join NATO, Senate approval should be required before this President – or any U.S. President – can withdraw," Kaine said in a statement.

McCain added that Trump's "mistreatment of our closest allies" had "raised doubts" about the U.S. commitment to NATO.

"In the future, the Senate must be prepared to defend its constitutional role. This legislation is urgently required to ensure that no president can withdraw the United States from NATO without the constitutionally required advice and consent of the Senate," he said.

Expected Delivery Day: 08/03/2018

USPS SIGNATURE TRACKING NUMBER



9510 8116 0103 8213 3058 48

★ MAIL ★

DATE OF DELIVERY SPECIFIED *

USPS TRACKING™ INCLUDED *

INSURANCE INCLUDED *

PICKUP AVAILABLE

* Domestic only

WHEN USED INTERNATIONALLY,
A CUSTOMS DECLARATION
LABEL MAY BE REQUIRED.

PRESS FIRMLY TO SEAL



1004



76102

U.S. POSTAGE
GENEVA, IL
AUG 03 18
AMOUNT

\$9.70

R2304P118605-05

FROM:

1116 Sheffer Rd. Apt. F
Aurora, IL 60505

TO: COURT CLERK
US District Court
501 West 10th Street
Room # 310
FORT WORTH, TEXAS

76102-3673



PS00001000014

VISIT US AT USPS.COM®
ORDER FREE SUPPLIES ONLINE



This packaging is the property of the U.S. Postal Service® and is provided solely for use in sending Priority Mail® shipments. Misuse may be a violation of federal law. This packaging is not for resale. EP14F @ U.S. Postal Service; July 2013; All rights reserved.



This envelope is made from post-consumer waste. Please recycle - again.