IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS WICHITA FALLS DIVISION

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TEXAS, KANSAS, LOUISIANA, INDIANA, WISCONSIN, and NEBRASKA,

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 CHARLES P. RETTIG, in his Official Capacity as COMMISSIONER OF INTERNAL REVENUE,

Defendants.

Civil Action No. 7:15-CV-00151-O

JOINT STATUS REPORT

Plaintiffs and Defendants (collectively, the "Parties"), by and through their counsel, and pursuant to the Court's request at the October 29, 2018 status conference, ECF No. 119, hereby submit the following joint status report:

1. On November 19, 2018, the Parties filed a Joint Motion for Protective Order for Confidential Personal or Proprietary Tax or Financial Information ("Joint Motion for Protective Order") along with a Proposed Protective Order. The entry of a Protective Order is sought to protect the confidential, personal or proprietary tax or financial information concerning the Health Insurance Providers Fee ("HIPF") for tax years 2014, 2015, and 2016. Plaintiffs agreed to disclose this information to

Defendants during the hearing on October 29, 2018, and the Parties agree that the entry of a Protective Order is warranted prior to the disclosure of this information. The information Plaintiffs intend to disclose to Defendants shows how each Plaintiff arrived at the amount Plaintiffs believe should be disgorged for the HIPF years in question.

- 2. Plaintiffs are still gathering the information and documents that they will disclose to Defendants. At the time of this status report, at least one Plaintiff is prepared to disclose the information related to the HIPF for 2014, 2015, and 2016, once the Court enters the proposed Protective Order.
- 3. The Parties respectfully request that they be allowed to continue to work together to facilitate the exchange of information addressed in the Proposed Protective Order and update the Court on their progress by January 9, 2019.
- 4. Counsel for Defendants authorized Plaintiffs to state that Plaintiffs are filing this status report on behalf of all Parties.

Respectfully submitted this 28th day of November, 2018.

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CERTIFICATE OF CONFERENCE

I hereby certify that, on November 27–28, 2018, Plaintiffs' counsel conferred

with Defendants' counsel concerning this joint status report. Defendants advised

Plaintiffs that they join the status report.

/s/ David J. Hacker

DAVID J. HACKER

CERTIFICATE OF SERVICE

I hereby certify that on November 28, 2018, I electronically filed the

foregoing document through the Court's ECF system, and will serve a copy of this

document with the summons and complaint.

/s/ David J. Hacker

DAVID J. HACKER