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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

OAKLAND DIVISION

Case No.: 4:17-cv-5783-HSG

STATE OF CALIFORNIA, *et al.*,

Plaintiffs,

vs.

ALEX M. AZAR, Secretary of the U.S.
Department of Health and Human
Services, *et al.*,

Defendants,

and,

The Little Sisters of the Poor, Jeanne Jugan
Residence; March for Life Education and
Defense Fund,

Defendant-Intervenors.

***AMICI CURIAE* BRIEF OF
MASSACHUSETTS, IOWA, MAINE,
MICHIGAN, NEVADA, NEW JERSEY,
NEW MEXICO, PENNSYLVANIA, AND
OREGON IN SUPPORT OF
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

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INTRODUCTION AND INTERESTS OF *AMICI* STATES

The *Amici* States have a compelling interest in protecting the health, wellbeing, and economic security of their residents. To promote this interest, the States are committed to ensuring a strong and robust regulatory regime that makes contraception as widely available and affordable as possible. Access to contraception advances educational opportunity, workplace equality, and financial empowerment for women; improves the health of women and children; and reduces healthcare-related costs for individuals, families, and States.

The Patient Protection and Affordable Care Act’s (“ACA”) “contraceptive mandate” plays a critical role in ensuring State residents access to affordable contraception. Most women receive health care coverage through employer-sponsored health plans. The ACA requires employer-sponsored plans to provide comprehensive, no-cost coverage for contraceptive care and services. The *Amici* States have an interest in ensuring that, in implementing the contraceptive mandate, the defendant federal agencies develop regulations that further women’s health and equality and that do not impose unjustifiable costs on the States. In addition, the *Amici* States have an interest in a fair and transparent federal regulatory process. The *Amici* States depend on federal agencies to follow proper rulemaking procedures designed to incorporate a broad array of interests—including those of State and local governments—before making important, and often complex, regulatory decisions.

The two Final Rules challenged in this case, which authorize employers and universities nationwide to prevent their employees and students from receiving the seamless access to contraceptive care and services guaranteed by the ACA, threaten each of these interests. The *Amici* States submit this brief to explain why they will be injured by the Final Rules, and why this Court should issue a preliminary injunction barring enforcement of the Final Rules

anywhere in the United States.

SUMMARY OF THE ARGUMENT

Through this case, the States of California, Connecticut, Delaware, Hawaii, Illinois, Maryland, Minnesota, New York, North Carolina, Rhode Island, Vermont, and Washington, as well as the Commonwealth of Virginia and the District of Columbia (the “Plaintiff States”) seek to protect themselves, other States, and women across the country from the harms that will result from Defendants’ attempt to nullify provisions of the ACA that guarantee women equal access to preventive medical care—specifically contraceptive care and services. Defendants have issued two Final Rules (the “Rules”) that authorize employers with religious or moral objections to contraception to block employees, students, and their dependents from receiving contraceptive coverage. *See Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act*, 83 Fed. Reg. 57536 (Nov. 15, 2018); *Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act*, 83 Fed. Reg. 57592 (Nov. 15, 2018).

The Rules have caused—and will continue to cause—significant harm to States nationwide. The Rules will deprive hundreds of thousands of employees, students, and their dependents of contraceptive coverage, threatening the health and wellbeing of the States’ residents and the economic and public health of the States generally. As a result, States will be forced to expend millions of dollars to provide replacement contraceptive care and services for their residents.

Because the Rules will injure women and States across the country, this Court should enjoin implementation of the Rules on a nationwide basis. When, as here, federal regulatory action is unlawful, courts typically invalidate the action in its entirety. That relief is especially

1 warranted in this case, where the damage caused by the Rules will transcend State lines and
 2 where a preliminary injunction limited in scope to the Plaintiff States would not guarantee those
 3 States complete relief.

4 **ARGUMENT**

5 **I. States Across the Country Will Be Injured by the Final Rules.**

6
 7 The United States Court of Appeals for the Ninth Circuit recently affirmed this Court's
 8 determination that the Plaintiff States have standing under Article III to challenge the Rules.
 9 *California v. Azar*, --- F.3d ---, 2018 WL 6566752, at *5-*8 (9th Cir. Dec. 13, 2018); *accord*
 10 *Pennsylvania v. Trump*, 281 F. Supp. 3d 553, 564-67 (E.D. Pa. 2017) (Pennsylvania has
 11 standing to challenge the Rules). The Ninth Circuit concluded that the Rules will "lead to
 12 women losing employer-sponsored contraceptive coverage." *California*, 2018 WL 6566752,
 13 at *6. As the Ninth Circuit explained, Defendants' regulatory impact analysis for the prior
 14 Interim Final Rules ("IFRs") estimated that between 31,700 and 120,000 women nationwide
 15 who use contraception will lose coverage because of the Rules, and it identified specific
 16 employers likely to use the Rules' expanded exemptions, "including those operating in the
 17 plaintiff states like Hobby Lobby Stores, Inc." *Id.* "[T]hat loss of coverage," the Ninth Circuit
 18 continued, "will inflict economic harm [on] the states." *Id.* at *7. Indeed, the regulatory impact
 19 analysis "assumed that state and local governments will bear additional economic costs"
 20 because of the Rules, and the Plaintiff States' declarations further demonstrated that "women
 21 losing coverage from their employers will turn to state-based programs or programs reimbursed
 22 by the state" to obtain replacement coverage. *Id.*

23
 24 The Plaintiff States' basis for Article III standing to challenge the Final Rules now is
 25 even stronger than their standing when Defendants issued the IFRs in October 2017.
 26
 27
 28

Defendants have now determined that far *more* women will be harmed by the Final Rules than they had previously estimated. *See* 83 Fed. Reg. 57578-80. Building off of that admission and the Ninth Circuit’s conclusion that the Plaintiff States had standing to challenge the IFRs, this brief will highlight the breadth of the injury to women and States nationwide.

A. The Rules Will Cause Women in Every State to Lose Contraceptive Coverage and Thereby Inflict Financial Injury on States Nationwide.

Across the country, the Final Rules will result in hundreds of thousands of employees and students, as well as their dependents, losing the comprehensive contraceptive coverage guaranteed by the ACA. That loss, in turn, will impose direct financial harm on the States. Many women who lose contraceptive coverage as a result of the Rules will obtain replacement care and services through state-funded programs. Others, who are not able to obtain replacement coverage, may experience unintended pregnancies that impose additional costs on States.

1. The Rules Will Cause Hundreds of Thousands of People to Lose Coverage.

According to Defendants’ Regulatory Impact Analysis for the Final Rules (hereinafter “the RIA”),¹ approximately three million people receive health insurance through employers and universities that have already asserted religious objections to providing coverage for contraceptive care and services under the ACA. *See* 83 Fed. Reg. 57575-78. Even more people receive insurance through employers that will be newly eligible for the expanded religious and

¹ The RIA is Defendants’ official, legally mandated explanation of the Rules’ anticipated costs, benefits, and broader effects. *See* 83 Fed. Reg. 57573. The RIAs contained in the Final Rules largely adopt the analysis contained in the IFRs except that, as discussed, *see infra*, note 2, Defendants have significantly increased their estimate of the number of women who will lose coverage as a result of the Rules.

1 moral exemptions provided by the Final Rules. *See, e.g.*, 82 Fed. Reg. 47792, 47823 (Oct. 13,
2 2017) (Interim Final Rule) (comparing the prevalence of religious and moral objections to
3 contraception); 83 Fed. Reg. 57628 (acknowledging that “uncertainty” concerning the
4 prevalence of moral objections justifies higher estimates of the Rules’ impact).

5
6 Out of these millions, Defendants estimate that between 70,515 (“lower bound
7 estimate”) and 126,400 (“upper bound estimate”) women will lose employer-based coverage
8 for their chosen method of contraception if the Final Rules go into effect.² *See* 83 Fed. Reg.
9 57578, 57580, 57627-28. These figures offer a conservative snapshot of the Rules’ direct and
10 immediate effects. The actual number of women affected is likely to be significantly higher.³
11

12 The lower and upper bounds are based on two different calculation methods. *See* 83
13 Fed. Reg. 57575-81. The upper bound estimate—126,400 women—is based on nationwide
14

15 ² These figures include only “women whose contraceptive costs will be impacted by the
16 expanded exemptions in these final rules.” 83 Fed. Reg. 57578. Notably, they represent a
17 significant increase from the estimates contained in the IFRs. In the IFRs, Defendants
18 indicated that between 31,715 and 120,000 women were likely to lose coverage. *See* 82 Fed.
19 Reg. 47821, 47823, 47858. The increase from the IFRs to the Final Rules is largely
20 attributable to the fact that, in the IFRs, Defendants underestimated the number of people
21 receiving contraceptive coverage through the accommodation by approximately 2,000,000.
Compare 82 Fed. Reg. 47821 (stating that 1,027,000 people “are covered in accommodated
plans”), *with* 83 Fed. Reg. 57577 (stating that 2,907,000 people “were covered in plans using
the accommodation under the previous regulations”).

22 ³ Defendants make a number of significant assumptions that create an admitted “tendency
23 toward underestimation.” 83 Fed. Reg. 57581 n. 112. For example, Defendants’ estimates
24 are based on the assumption that “approximately 43.6% of women of childbearing age use
25 women’s contraceptive methods covered by the [ACA].” 83 Fed. Reg. 57576. The source
26 cited for this claim is a Fact Sheet published by the Guttmacher Institute, titled “Contraceptive
27 Use in the United States,” available at <https://www.guttmacher.org/fact-sheet/contraceptive-use-united-states>. *See* 83 Fed. Reg. 57576 n. 85. That Fact Sheet, however, indicates only
28 that 43.6% of women of childbearing age have used a contraceptive method covered by the
ACA “in the past month.” Of course, over any period of time longer than a month, a higher,
cumulative percentage of women will use these methods of contraception. *See id.* (while only
approximately 15% of women have used birth control pills “in the past month,”
approximately 80% have used them ever).

1 survey data concerning the number of employers that excluded contraceptive coverage from
 2 their insurance plans in 2010, before the ACA went into effect. *See* 83 Fed. Reg. 57578-81; 82
 3 Fed. Reg. 47821-24. Defendants use this data to produce a statistical estimate of the number
 4 employers that will use the expanded moral and religious exemptions provided by the Rules.
 5 *Id.* Notably, Defendants assume that the number of women who will lose coverage as a result
 6 of the Rules will be only a small fraction of the number of women who were denied
 7 contraceptive coverage prior to the ACA. *Id.* The lower bound estimate—70,515⁴—is based
 8 primarily on the number employers that have previously asserted religious objections to
 9 providing contraceptive coverage under the ACA, either through litigation (“litigating
 10 employers”) or by using the ACA’s existing accommodation (“accommodated employers”).
 11 *See* 83 Fed. Reg. 57575-78; 82 Fed. Reg. 47815-21.⁵

14 Importantly, the figures provided in the RIA are adjusted for many factors that could
 15 affect employers’ use of the expanded exemptions. For example, Defendants take into account
 16 the fact that some objecting employers will continue to use the accommodation rather than the
 17 expanded exemptions, *see, e.g.*, 83 Fed. Reg. 57575, 82 Fed. Reg. 47815; that some employers
 18

21 ⁴ Of these 70,515 women, only 15 are attributable to the new moral exemption. *See* 83
 22 Fed. Reg. 57627. Defendants’ “uncertainty” about this low number was a basis for including
 23 the upper bound estimate in the RIA. *Id.* at 57628. In contrast to the lower bound, the upper
 24 bound estimate accounts to some extent for the strong likelihood that employers other than
 litigating and accommodated employers will make use of the expanded exemptions,
 particularly the new moral exemption. *See* 83 Fed. Reg. 57578-81.

25 ⁵ Defendants do not know how many employers are actually using the accommodation.
 26 Under the prior regulations, not all employers were required to provide notice to Defendants
 27 in order to use the accommodation, and many did not do so. *See* 83 Fed. Reg. 57576; 82 Fed.
 28 Reg. at 47817-18. For the purposes of the RIA, Defendants estimate that 209 employers have
 been using the accommodation. *Id.* This figure is taken from an estimate originally made by
 the Department of Health and Human Services (“HHS”) in 2014. *Id.* HHS has characterized
 the figure as “likely...[an] underestimate.” 80 Fed. Reg. 41318, 41332 (July 14, 2015).

are covered by injunctions exempting them from the contraceptive mandate, 83 Fed. Reg. 57575-76, 82 Fed. Reg. 47818; and that some employers who choose to use the expanded exemptions will object to covering only a few contraceptive methods, 83 Fed. Reg. 57581, 82 Fed. Reg. 47823.

In sum, the RIA establishes that, at a minimum, tens of thousands of women who are currently using a method of contraception covered by the ACA will immediately lose their employer-sponsored coverage as a direct result of the Rules, should the Rules go into effect.

2. The Rules Will Have a Nationwide Impact.

The Rules will affect States across the country. As discussed, Defendants' more comprehensive analysis of the Rules' likely impact—that 126,400 women will lose coverage as a result of the both the expanded moral and religious exemptions—is based on *nationwide* survey data. *See supra*, at 5-6. There is nothing in the Administrative Record to suggest that the Rules will not have a nationwide impact, nor is there a basis to believe that women residing in any particular State will be peculiarly unaffected by the Rules.⁶

The Administrative Record itself demonstrates the Rules' nationwide impact. It identifies litigating and accommodated employers and universities that have already raised

⁶ The contraceptive equity laws that exist in some States may mitigate, but will not eliminate, the harm caused by the Rules. With respect to the lower bound estimate, Defendants expect that approximately 63% of women who work for accommodated employers and who lose coverage because of the Rules will be covered by self-funded employer-based plans exempt from State regulation due to preemption by the Employee Retirement and Income Security Act. *See* 83 Fed. Reg. 57577. State contraceptive equity laws cannot, therefore, protect these women. The upper bound estimate, for its part, already excludes women covered by State contraceptive equity laws. The survey that the estimate is based upon was taken in 2010, after 29 States had already enacted contraceptive equity laws. *See* Institute of Medicine, CLINICAL PREVENTIVE SERVICES FOR WOMEN: CLOSING THE GAPS 51 (2011). Employers with fully insured plans in those States could not, therefore, have exempted contraceptive coverage at that time, even if they had wanted to.

religious objections to providing contraceptive coverage under the ACA. *See* Exhibit A.⁷ And it specifically identifies the litigating employers and universities that Defendants expect will use the expanded religious exemption created by the Rules. *See id.* These litigating employers and universities, as demonstrated in the following chart,⁸ are located in nearly every State in the country, including the Plaintiff and *Amici* States.

State	Examples of Litigating Employers and Universities That Are Not Required by State Law to Provide Contraceptive Coverage, and That the Federal Defendants Expect to Drop Contraceptive Coverage Under the Expanded Exemptions
Alabama	Hobby Lobby Stores, Inc.; Eternal World Television Network, Inc.
Arizona	Hobby Lobby Stores, Inc.
Arkansas	Hobby Lobby Stores, Inc.; Mardel
California	Hobby Lobby Stores, Inc.
Colorado	Hobby Lobby Stores, Inc.; Association of Christian Schools, International; Colorado Christian University; Mardel; Continuum Health Partnerships Inc.; Mountain States Health Properties LLC; Continuum Health Management LLC; CH-Greeley LLC; Family Talk
Connecticut	Hobby Lobby Stores, Inc.
Florida	Hobby Lobby Stores, Inc.; Mersino Management Co.; CMA d/b/a Shell Point Retirement Center; Ave Maria University; Ave Maria School of Law; Rhodora J. Donahue Academy, Inc.; Beckwith Electrical Co.; Alliance Community for Retirement Living; Cherry Creek Mortgage Co.
Georgia	Hobby Lobby Stores, Inc.
Idaho	Hobby Lobby Stores, Inc.

⁷ Exhibit A includes two spreadsheets that Defendants used to calculate the number of women likely to be affected by the Rules in the RIA. The spreadsheets were included in the Administrative Record filed in the District Court, at Exhibits 55 and 82, pp. 669264-70 and 670107-33. The RIA estimates that “6,400 women of childbearing age that use contraception covered by the Guidelines...will be affected by use of the expanded exemption among *litigating* entities.” 83 Fed. Reg. 57577 (emphasis added). The record identifies the “litigating entities” included in this estimate. *See* Exhibit A, pp. 669264-70.

⁸ This chart was compiled by using Exhibits 55 and 82 of the Administrative Record, *see supra*, note 7; complaints filed in each case brought by litigating employers and universities; and publicly available information about employer and university locations. To be clear, the chart is not exhaustive. Employers and universities other than the listed “litigating entities” are likely to make use of the new exemptions. *See supra*, at 5-6.

Illinois	Hobby Lobby Stores, Inc.; Samaritan Ministries International; Tyndale House Publishers, Inc.; Franciscan Alliance; Wheaton College
Indiana	Hobby Lobby Stores, Inc.; Taylor University; Indiana Wesleyan University; Mersino Management Co.; University of St. Francis; St. Anne Home; Our Sunday Visitor; Franciscan Alliance; Grace College and Seminary; Grote Industries, LLC; Ozinga Bros. Inc.; Cherry Creek Mortgage Co.; Tonn and Blank Construction, LLC; University of Notre Dame
Iowa	Hobby Lobby Stores, Inc.; Dordt College
Kansas	Hobby Lobby Stores, Inc.; Mardel; Sealco LLC; Villa St. Francis Catholic Care Center; Randy Reed Automotive, Inc.
Kentucky	Hobby Lobby Stores, Inc.; Asbury Theological Seminary; Encompass Develop Design and Construct LLC; The C.W. Zumbiel Co.
Louisiana	Hobby Lobby Stores, Inc.; Mardel
Maine	Hobby Lobby Stores, Inc.
Maryland	Hobby Lobby Stores, Inc.; Global Pump Co.; Mersino Management Co.
Massachusetts	Hobby Lobby Stores, Inc.; Autocam Medical
Michigan	Hobby Lobby Stores, Inc.; Autocam Medical; Midwest Fastener Corp.; Mersino Management Co.
Minnesota	Hobby Lobby Stores, Inc.; Crown College; Annex Medical Inc.; Sacred Heart Medical, Inc.; Doboszenski & Sons, Inc.; Feltl & Co., Inc.; American Mfg Co.; Hastings Automotive, Inc.; Hastings Chrysler Center, Inc.; Cherry Creek Mortgage Co.; Stinson Electric Inc.; The QC Group, Inc.; SMA, LLC
Mississippi	Hobby Lobby Stores, Inc.; American Family Association
Missouri	Hobby Lobby Stores, Inc.; Mardel; Sharpe Holdings, Inc.; Sioux Chief Mfg. Co., Inc.
Montana	Hobby Lobby Stores, Inc.
Nebraska	Hobby Lobby Stores, Inc.; Mersino Management Co.
Nevada	Hobby Lobby Stores, Inc.
New Hampshire	Hobby Lobby Stores, Inc.
New Jersey	Hobby Lobby Stores, Inc.
New Mexico	Hobby Lobby Stores, Inc.
New York	Hobby Lobby Stores, Inc.
North Carolina	Hobby Lobby Stores, Inc.; Conestoga Wood Specialties Corp.
North Dakota	Hobby Lobby Stores, Inc.; Trinity Bible College; Treasure Island Coins
Ohio	Hobby Lobby Stores, Inc.; Freshway Foods; Freshway Logistics; The C.W. Zumbiel Co.; Electrolock Inc.; Stone River Management Co.; Dunstone Co.; Johnson Welded Products, Inc.

Oklahoma	Hobby Lobby Stores, Inc.; Mardel; Southern Nazarene University; Oklahoma Wesleyan University; Oklahoma Baptist University; Korte & Luitjohan Contractors, Inc.
Oregon	Hobby Lobby Stores, Inc.
Pennsylvania	Hobby Lobby Stores, Inc.; Alliance Home of Carlisle (d/b/a Chapel Pointe at Carlisle); Conestoga Wood Specialties Corp.; Geneva College; Westminster Theological Seminary; Seneca Hardwood Lumber
Rhode Island	Hobby Lobby Stores, Inc.
South Carolina	Hobby Lobby Stores, Inc.; Electrolock Inc.
South Dakota	Hobby Lobby Stores, Inc.
Tennessee	Hobby Lobby Stores, Inc.; Autocam Medical; Union University
Texas	Hobby Lobby Stores, Inc.; Mersino Management Co.; Mardel; East Texas Baptist University; The Criswell College; The QC Group, Inc.; University of Dallas; Catholic Charities; Sealco LLC; Insight for Living Ministries; M&N Plastics, Inc.; Cherry Creek Mortgage Co.
Utah	Hobby Lobby Stores, Inc.; Cherry Creek Mortgage Co.
Vermont	Hobby Lobby Stores, Inc.
Virginia	Hobby Lobby Stores, Inc.; Media Research Center; Trijicon, Inc.
Washington	Hobby Lobby Stores, Inc.; Conestoga Wood Specialties Corp.
West Virginia	Hobby Lobby Stores, Inc.
Wisconsin	Hobby Lobby Stores, Inc.
Wyoming	Hobby Lobby Stores, Inc.

Collectively, these employers and universities employ or enroll hundreds of thousands of people across the country, many of whom also have dependents receiving insurance through these plans. *See* Exhibit A, pp. 669264-70.

3. The Rules Will Result in More Women Receiving Contraceptive Care Through State-Funded Programs.

The RIA estimates that the direct cost of providing replacement contraceptive care and services for women who lose employer-sponsored coverage because of the Rules will be between \$41.2 and \$67.3 million annually. *See* 83 Fed. Reg. 57578.⁹ States will bear a

⁹ As with the number of women likely to lose coverage, this cost estimate represents a significant increase from the IFRs' estimate of \$18.5 to \$63.8 million annually. *See* 82 Fed. Reg. 47821, 47823-24.

1 significant share of this cost. As the Ninth Circuit recognized, Defendants themselves
 2 acknowledge that women who lose coverage as a result of the Rules will receive care and
 3 services through state-funded programs. *See California*, 2018 WL 6566752, at *6; 82 Fed. Reg.
 4 47803. Indeed, millions of women across the country who have health insurance through an
 5 employer-sponsored plan are also eligible for a range of state-funded programs.
 6

7 Among the Plaintiff and *Amici* States, eligibility limits for state-sponsored programs
 8 extend up to 300% of the Federal Poverty Level (“FPL”) (and in limited circumstances beyond),
 9 with many such programs falling in the range of 200% to 250% of FPL.¹⁰ With the 2018 FPL
 10 set at \$20,780 for a family of three, \$25,100 for a family of four, and higher for larger families,
 11 *see* 83 Fed. Reg. 2642, 2643 (Jan. 18, 2018), this means that many women earning more than
 12 \$40,000 per year and even some women earning over \$70,000 may be eligible under these
 13 programs. State programs typically fall into three categories: Medicaid, Medicaid Family
 14 Planning Expansion, and Title X/State Family Planning. Coverage through employer-
 15 sponsored insurance generally does not render women ineligible, particularly where coverage
 16 has been declined by the employer, though not all States serve as secondary payers under their
 17 Medicaid programs. As shown in Exhibit B, a significant number of women *with employer-*
 18 *sponsored insurance* will be income-eligible for coverage under State programs when their
 19 employers choose to avail themselves of the exemptions created by the Rules. Overall, for the
 20 States included in the estimate, there are 7,173,998 income-eligible women, with 4,407,494 in
 21 plans that are not subject to any state-imposed contraception mandate.
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 23
 24
 25
 26

27 ¹⁰ Guttmacher Institute, *Medicaid Family Planning Eligibility Expansions* (May 2018),
 28 <https://www.guttmacher.org/state-policy/explore/medicaid-family-planning-eligibility-expansions>.

1 States will also be *required* to fund coverage for women through their Medicaid
 2 programs. For example, Medicaid programs in at least 14 States serve as secondary payers for
 3 eligible individuals even if they have other forms of insurance. Using the basic Medicaid
 4 program income threshold (138% FPL),¹¹ there are approximately 1,212,166 women eligible
 5 to receive this type of “wraparound” coverage for contraceptive care and services in these States
 6 if their employers object to providing such coverage on religious or moral grounds.
 7

8 The *Amici* States’ experience confirms that women who cannot utilize existing health
 9 care coverage (particularly when it comes to reproductive health) routinely seek coverage from
 10 state-funded programs, including at community health centers. In fact, many women who lose
 11 contraceptive coverage because of the Rules will already be utilizing such programs for other
 12 healthcare costs. In Massachusetts, for example, the State Medicaid program, MassHealth,
 13 already covers more than 150,000 residents with inadequate commercial insurance. For these
 14 women, there will be no need to “seek out” state-funded care; they will automatically receive
 15 state-funded replacement coverage.
 16
 17

18 **4. States Will Bear Increased Health Care Costs Associated with** 19 **Unintended Pregnancies and Negative Health Outcomes.**

20 The reduction in access to contraception caused by the Rules will also lead to an increase
 21 in unintended pregnancies and negative health outcomes for women and children.¹² This will
 22 impose additional costs on States, which already spend billions of dollars annually on
 23
 24

25 ¹¹ Twenty-five States have extended Medicaid eligibility for family planning services
 26 above this income threshold. *See supra*, at n 10. As a result, this figure likely understates the
 27 number of eligible women.

28 ¹² Defendants acknowledge that a “noteworthy” potential effect of the Rules will be an
 increase in spending on “pregnancy-related medical services.” 82 Fed. Reg. 47827-28 & n.
 113.

unintended pregnancies.¹³ The fact that women who lose contraceptive coverage because of the Rules will retain the balance of coverage provided by their employer-sponsored plans will not insulate States from harm. Increased health care costs will be passed on to the States through Medicaid and other programs that provide wrap-around coverage and reimbursement for deductibles, co-insurance, emergency care, and other amounts and services not covered by primary insurance.¹⁴ These are significant costs: the average employer-sponsored plan has an annual deductible of \$1,573 for individuals and, depending on plan-type, up to \$4,527 for families, and most plans impose additional cost-sharing fees for emergency room and hospital care.¹⁵ State Medicaid programs will thus assume significant costs associated with the unintended pregnancies of women who lose coverage because of the Rules.

B. In This Era of Interstate Employment and College Attendance, These Economic Injuries Will Transcend State Lines.

The economic injuries inflicted by the Rules not only will occur in every State, but also will cross State borders. In today's interconnected economy, changes in access to healthcare and health insurance in one State invariably affect other States. Thus, if an employer or university drops contraceptive coverage for its employees or students under the Rules, the consequences of that action will be felt outside the State or States in which the employer or university is located. As a result, even the partial measures a State may take to mitigate the

¹³ A. Sonfield et al., *Public Costs from Unintended Pregnancies and the Role of Public Insurance Programs in Paying for Pregnancy-Related Care: National and State Estimates for 2010*, Guttmacher Institute (Feb. 2015), https://www.guttmacher.org/sites/default/files/report_pdf/public-costs-of-up-2010.pdf.

¹⁴ See, e.g., 130 Code Mass. Regs. 450.317 (MassHealth's wrap-around insurance regulations).

¹⁵ See Kaiser Family Foundation, "Employer Health Benefits, 2018 Annual Survey," 103, 114 (2018).

1 damages caused by the Final Rules—for example, a State contraception mandate, from which
 2 all self-funded plans would be exempt—are of limited use in protecting the State’s residents
 3 and forestalling financial injury to the State. For the same reasons, an injunction limited only
 4 to the Plaintiff States could not protect them from all of the financial harms caused by the Final
 5 Rules.
 6

7 Consider a few examples. Workers today often commute to or telework¹⁶ for employers
 8 that are located in States other than the State in which they live. Recent research on commuter
 9 patterns found that employees congregate in “mega-regions” nationwide that span State
 10 boundaries, and that these mega-regions are a more meaningful representation of economic ties
 11 than are State borders.¹⁷ Research on commuting patterns bears out this phenomenon.
 12 Significant numbers of Connecticut, Delaware, District of Columbia, Maryland, and Virginia
 13 residents, for example, travel each day to jobs in other States—104,000 Connecticut residents,
 14 or 6% of the workforce; 65,000 Delaware residents, or 16% of the workforce; 73,000 District
 15 of Columbia residents, or 25.2% of the workforce; 500,000 Maryland residents, or 18% of the
 16 workforce; and 353,000 Virginia residents, or 10% of the workforce.¹⁸ Thus, some of the
 17
 18
 19

20
 21 ¹⁶ See, e.g., U.S. Dept. of Labor, Bureau of Labor Statistics, “24 percent of employed
 22 people did some or all of their work at home in 2015,” The Economics Daily (July 8, 2016),
<https://www.bls.gov/opub/ted/2016/24-percent-of-employed-people-did-some-or-all-of-their-work-at-home-in-2015.htm>.

23 ¹⁷ See G. Nelson & A. Rae, *An Economic Geography of the United States: From*
 24 *Commutes to Megaregions*, PLOS One (Nov. 30, 2016),
<https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0166083&type=printable>
 25 [e](https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0166083&type=printable); A. Swanson & J. O’Connell, *What the U.S. Map Should Really Look Like*, Wash. Post
 26 (Dec. 12, 2016), https://www.washingtonpost.com/news/wonk/wp/2016/12/12/the-radical-new-map-that-would-really-reflect-life-in-the-u-s/?utm_term=.b6fc5de2efa4.

27 ¹⁸ U.S. Census Bureau, *Out-of-State and Long Commutes: 2011*, American Community
 28 Survey Reports, at 10 & tbl. 6 (Feb. 2013),
<https://www2.census.gov/library/publications/2013/acs/acs-20.pdf>.

women in the Plaintiff States who will lose contraceptive coverage because of the Rules will likely work for out-of-state employers, but nevertheless obtain state-funded replacement care in the States in which they reside.

Similarly, hundreds of thousands of students attend universities and colleges outside of their home State.¹⁹ Each year, for example, New York takes in more than 35,000 first-time out-of-state students alone—the most of any State in the country.²⁰ Many of these out-of-state students continue to receive health insurance coverage as dependents on their parents’ employer-based plans.²¹ Indeed, nationally, nearly 14 million people under the age of 26 remain on their parents’ employer-sponsored health plans.²² Thus, some of the women who will lose contraceptive coverage under the Rules will remain on parents’ out-of-state employer-based health plans, but obtain state-funded replacement care in the States in which they live and attend school.

As these examples illustrate, the harms caused by the loss of contraceptive coverage will spread across state lines, as commuters, remote workers, and dependents who reside in

¹⁹ See, e.g. Nat’l Ctr. for Education Statistics, “Residence and Migration of All First-Time Degree/Certificate-Seeking Undergraduates,” Digest of Education Statistics (2017), https://nces.ed.gov/programs/digest/d17/tables/dt17_309.20.asp?current=yes.

²⁰ *Id.*

²¹ See, e.g., Gov’t Accountability Office, HEALTH INSURANCE: MOST COLLEGE STUDENTS ARE COVERED THROUGH EMPLOYER-SPONSORED PLANS, AND SOME COLLEGES AND STATES ARE TAKING STEPS TO INCREASE COVERAGE (Mar. 2008), <https://www.gao.gov/assets/280/274105.pdf>.

²² See, e.g., S. Rollins et al., “Young, Uninsured and in Debt: Why Young Adults Lack Health Insurance and How the Affordable Care Act is Helping,” The Commonwealth Fund, at 2 (June 2012), https://www.commonwealthfund.org/sites/default/files/documents/media_files_publications_issue_brief_2012_jun_1604_collins_young_uninsured_in_debt_v4.pdf (estimating that approximately 14 million people under the age of 26 remain on their parents health insurance plan).

1 other States lose coverage and seek replacement care where they live. The injuries threatened
 2 by the Final Rules to the States and their residents are thus pervasive across all the States both
 3 because women will be affected in every State, and because the Rules' harms will reach
 4 individual women across State lines.

5
 6 **II. A Nationwide Injury, Like The Injury Inflicted by the Final Rules, Requires a**
 7 **Nationwide Remedy.**

8 In light of the interstate nature of the injury threatened by the Rules, the proper remedy
 9 for Defendants' statutory and constitutional violations is an injunction barring implementation
 10 of the Rules anywhere in the United States. This Court has authority under Article III to halt
 11 implementation of a uniform, national policy promulgated in violation of the ACA and the U.S.
 12 Constitution. It should exercise its broad discretion to fashion a remedy that provides complete
 13 relief to the parties and forestalls the harms that will otherwise be inflicted on women and States
 14 nationwide.
 15

16 **A. The Plaintiff States Have Standing to Seek a Nationwide Injunction.**

17 To come within a federal court's Article III jurisdiction, "a plaintiff must demonstrate
 18 standing for each *claim* [it] seeks to press and for each *form* of relief that is sought," whether
 19 the relief be in the form of damages, injunctive relief, or declaratory relief. *Town of Chester v.*
 20 *Laroe Estates, Inc.*, 137 S. Ct. 1645, 1650 (2017) (emphasis added). Thus, "a plaintiff who has
 21 standing to seek damages must also demonstrate standing to pursue injunctive relief." *Id.* But
 22 once a plaintiff has established that it has standing for each claim and each form of relief, Article
 23 III imposes no further restraint on the *scope* of equitable relief that a District Court may order.
 24 To the contrary, "[f]or 'several hundred years,' courts of equity have enjoyed 'sound discretion'
 25 to consider the 'necessities of the public interest' when fashioning injunctive relief." *United*
 26 *States v. Oakland Cannabis Buyers' Co-op.*, 532 U.S. 483, 496 (2001) (quoting *Hecht Co. v.*
 27
 28

1 *Bowles*, 321 U.S. 321, 329-30 (1944)); *see also Kansas v. Nebraska*, 135 S. Ct. 1042, 1053
 2 (2015) (“When federal law is at issue and ‘the public interest is involved,’ a federal court’s
 3 ‘equitable powers assume an even broader and more flexible character then when only a private
 4 controversy is at stake.’” (quoting *Porter v. Warner Holding Co.*, 328 U.S. 395, 398 (1946)));
 5 *S.E.C. v. Wencke*, 622 F.2d 1363, 1371 (9th Cir. 1980) (“The Supreme Court has repeatedly
 6 emphasized the broad equitable powers of the federal courts to shape equitable remedies to the
 7 necessities of particular cases.”).

8
 9 The Ninth Circuit already determined that the Plaintiff States have Article III standing
 10 to pursue their claims and seek equitable relief. *See California*, 2018 WL 6566752, at *5-*8;
 11 *supra*, at 3-4. This Court therefore has broad authority, reviewed only for abuse of discretion,
 12 to issue an injunction tailored to the necessities of this case. *See United States v. Schiff*, 379
 13 F.3d 621, 625 (9th Cir. 2004) (“The scope of a preliminary injunction is...reviewed for abuse
 14 of discretion.”). Importantly, the Ninth Circuit reaffirmed that “‘there is no bar
 15 against...nationwide relief in federal district court or circuit court,’” so long as that relief is
 16 “‘necessary to give prevailing parties the relief to which they are entitled.’” *California*, 2018
 17 WL 6566752, at *15 (quoting *Bresgal v. Brock*, 843 F.2d 1163, 1170-71 (9th Cir. 1987))
 18 (emphasis removed in part). Accordingly, both the Ninth Circuit and the Supreme Court have
 19 upheld nationwide injunctions when those injunctions are appropriate to the necessities of the
 20 case. *See, e.g., Trump v. Int’l Refugee Assistance Project*, 137 S. Ct. 2080, 2087-88 (2017);
 21 *Hawaii v. Trump*, 859 F.3d 741, 787-88 (9th Cir. 2017) (per curiam), *vacated as moot on appeal*,
 22 874 F.3d 1112 (9th Cir. 2017); *Earth Island Inst. v. Ruthenbeck*, 490 F.3d 687, 699 (9th Cir.
 23 2007), *aff’d in part & rev’d in part on other grounds by Summers v. Earth Island Inst.*, 555 U.S.
 24 488 (2009); *Paulsen v. Daniels*, 413 F.3d 999, 1008 (9th Cir. 2005).

B. A Preliminary Injunction Invalidating the Rules Nationwide Is Necessary to Alleviate the Harms That Will Be Caused by the Rules.

Because Article III is no barrier to the issuance of a nationwide remedy, this Court should issue a preliminary injunction that bars enforcement of the Rules on a nationwide basis. Such relief would accord with the settled rule that legally deficient regulations are invalidated in their entirety, not as applied only to the plaintiffs; ensure that the Plaintiff States obtain complete relief for their injuries; and address the magnitude of the harms that will be inflicted on women, States, and the public interest nationwide.

“‘[W]hen a reviewing court determines that agency regulations are unlawful, the ordinary result is that the rules are vacated—not that their application to the individual petitioners is proscribed.’” *Hawaii*, 859 F.3d at 788 (quoting *Nat’l Mining Ass’n v. U.S. Army Corps of Eng’rs*, 145 F.3d 1399, 1409 (D.C. Cir. 1998)). That settled rule follows directly from the Administrative Procedure Act (“APA”), which empowers courts not only to “hold unlawful” but also to “set aside” legally infirm “agency action.” 5 U.S.C. § 706(2). Accordingly, the Ninth Circuit has frequently vacated regulations, in their entirety, that were not promulgated in compliance with the APA. *See, e.g., Paulsen*, 413 F.3d at 1008 (invalidating a regulation that was not promulgated in compliance with the APA). As a consequence of vacatur, the invalidated regulations have no effect anywhere in the country, and regulations previously in force are reinstated. *See id.* (“The effect of invalidating an agency rule is to reinstate the rule previously in force.”).

This approach accords with the practical reality that invalid federal regulations—like those at issue here—often inflict harm on a nationwide basis. As discussed, Defendants have identified employers in virtually every State in the country that will likely use the Rules to drop contraceptive coverage for their employees. *See supra*, at 7-10. Consequently, States across

1 the country, including the Plaintiff States and the *Amici* States, will be forced to provide
2 replacement contraceptive care and services through State programs or Medicaid plans or to
3 provide healthcare associated with unintended pregnancies. *See supra*, at 12-13.

4
5 A preliminary injunction limited to the Plaintiff States, in contrast, would be
6 inconsistent with the “ordinary” rule that invalid regulations must be vacated in their entirety.
7 *Hawaii*, 859 F.3d at 788. It would create serious inequities for women employed by Hobby
8 Lobby Stores, Mersino Management Co., and other employers with locations in multiple States
9 that are expected to drop contraceptive coverage. And it would not even provide “complete
10 relief” to the Plaintiff States. *Madsen v. Women’s Health Ctr. Inc.*, 512 U.S. 753, 765 (1994)
11 (quoting *Califano v. Yamasaki*, 442 U.S. 682, 702 (1979)). As discussed, thousands of residents
12 of the Plaintiff States receive health insurance coverage through out-of-state employers. *See*
13 *supra*, at 14-16. A preliminary injunction covering only the Plaintiff States would not protect
14 these residents and would deprive the Plaintiff States of full relief from the Rules, since
15 residents with out-of-state plans could still obtain replacement contraceptive care from
16 programs funded by the Plaintiff States. The Plaintiff States have an interest in preventing the
17 financial injury that will result if out-of-state employers use the Rules’ exemptions to drop
18 coverage, causing residents to seek replacement coverage and care within the Plaintiff States.
19 And they have a further quasi-sovereign interest in protecting the health and wellbeing of their
20 residents—including residents who work out-of-state. *See Alfred L. Snapp & Sons, Inc. v.*
21 *Puerto Rico*, 458 U.S. 592, 597-98, 607-08 (1982) (recognizing Puerto Rico’s interest in
22 protecting residents from discrimination by companies located in Virginia).
23
24

25
26 Finally, issuance of nationwide relief would be consistent with the primary purpose of
27 a preliminary injunction—namely, preservation of “the status quo and the rights of the parties
28

1 until a final judgment issues in the cause.” *U.S. Philips Corp. v. KBC Bank N.V.*, 590 F.3d
 2 1091, 1094 (9th Cir. 2010). The Rules represent a represent a departure from the status quo,
 3 which had both ensured that women retain seamless access to contraceptive coverage and
 4 accommodated sincerely held religious beliefs. A nationwide injunction would preserve the
 5 rights of the thousands of women across the country expected to lose to contraceptive coverage
 6 as a result of the Rules, as well as the rights of the States expected to assume the costs of their
 7 contraceptive care.
 8

9 CONCLUSION

10 For the foregoing reasons, the *Amici* States urge this Court to grant the Plaintiff States’
 11 motion for a preliminary injunction and to bar enforcement of the Rules anywhere in the United
 12 States.
 13

14 Respectfully submitted,

15 COMMONWEALTH OF MASSACHUSETTS
 16 MAURA HEALEY
 17 ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I, Genevieve C. Nadeau, hereby certify that a true copy of the above document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

Dated: January 7, 2019

/s/ Genevieve C. Nadeau
Genevieve C. Nadeau

Exhibit A

Draft--For Discussion Purposes

	A	B	C	D	E	F	G	H	I	J
	Case	Plaintiffs	Type: For-profit (F), Nonprofit (N), House of Worship or IA (H), Church Plan (C), Pro-life (P), Grandfathered (G)	Number of Employees/Students	Document employee number located within	Are students/employees counted in final total?	If not counted, explanation why	Number counted towards final total	Total employees (minus HoW/IA and SICPs)	Total students at relevant universities
1	Am. Pulverizer Co. v. U.S. Dep't of Health and Human Servs., No. 6:12-cv-03459, 2012 WL 6951316 (W.D. Mo. Dec. 20, 2012);		F	175 employees	Complaint	Yes		175	175	
2	American Family Association v. Sebelius, 1:13-cv-00032-SA-DAS (N.D. Miss. Feb. 20, 2013)		N	135 employees	Complaint	Yes		135	135	
3	Annex Med., Inc. v. Burwell, No. 13-1118, 2013 WL 1276025 (8th Cir. Feb. 1, 2013)		F	18 employees	Complaint	Yes		18	18	
4	Archdiocese of St. Louis v. Burwell, No. 4:13-cv-02300 (E.D. MO), No. 14-3016 (8th Cir.)	Archdiocese of St. Louis	H	7,800 employees/staff	Complaint	No	Diocese self-insured plan (see Brandt v Burwell note below)	0	0	
5	Armstrong v. Burwell, No. 1:13-cv-00563-RBJ (D. Colo. Sept. 17, 2013); gov't appeal dismissed Sept. 4, 2014 (10th Cir. order);	Catholic Charities of St. Louis	C	1600 employees	Complaint	No	same	0	0	
6			F	730 employees	Complaint	Yes		730	730	
7	Association of Christian Schools International v. Burwell, No. 1:14-cv-2966 (D. Colo.), No. 14-1492 (10th Cir.)	Association of Christian Schools International	N	140 employees	Complaint	Yes		140	140	
8		Samaritan Ministries International	N	133 employees	Complaint	Yes		133	133	
9		Taylor University	N	1,900 Students; 641 Employees	Complaint	Students = no; employees = yes	Complaint does not state that they offer a student health plan; therefore students not counted	641	641	0
10							Complaint does not state that they offer a student health plan; therefore students not counted. Complaint states that 890 employees enroll in the plan. Because other entities usually provide the overall number of employees, not the number enrolled in the plan, and in the IFR we estimate 62% of all employees are in plans, this number is upscaled to 890/62% = 1435.			
11		Indiana Wesleyan University	N	15,000 students; 3,565 employees (1,018 FT and 2,547 PT)	Complaint	Students = no; employees = partial		1,435	1,435	0
12	Autocam Corp. v. Burwell, 730 F.3d 618 (6th Cir. Sept. 17, 2013);	Autocam	F	478 employees	Complaint	Yes		478	478	
13		Autocam Medical	F	183 employees	Complaint	Yes		183	183	
14	Ave Maria Foundation v. Burwell, No. 2:13-cv-15198 (E.D. Mich.), Nos. 14-1310 (6th Cir.)	The Ave Maria Foundation	N	51 employees	Estimated number based on online information	Yes		51	51	
15		Ave Maria Communications	N	19 employees	Form W-3 filing	Yes		19	19	
16		Domino's Farms Petting Farm	N	18 employees	Form W-3 filing	Yes		18	18	
17		Rhodora J. Donahue Academy, Inc.	N	26 employees	Website	Yes		26	26	
18		Thomas More Law Center	N	14 employees	Form W-3 filing	Yes		14	14	
19	Ave Maria School of Law v. Burwell, No. 2:13-cv-00795 (M.D. Fla.), Nos. 14-15777 (11th Cir.)		N	68 employees	Complaint	Employees = yes; students = no	Complaint does not state that they offer a student health plan; therefore students not counted	68	68	0
20	Ave Maria University v. Burwell, No. 2:13-cv-00630 (M.D. Fla.), Nos. 14-15780 (11th Cir.)		N	150 employees	Complaint	Employees = yes; students = no	Complaint does not state that they offer a student health plan, therefore students not counted	150	150	0
21	Barron Indus., Inc. v. Burwell, No. 1:13-cv-01330-KBJ (D.D.C. Sept. 25, 2013);		F	56 employees	Complaint	Yes		56	56	
22	Beckwith Elec. Co. v. Burwell, No. 8:16-cv-1944 (M.D. Fla.)		F	126 employees	Complaint	Yes		126	126	
23	Belmont Abbey College v. Sebelius, et al., No. 1:11-cv-01989 (D.D.C. Nov. 10, 2011)		N	1,600 students; 305 employees	Complaint	Yes		1,600 students; 305 employees	305	1,600
24	Bick Holdings, Inc. v. Burwell, No. 4:13-cv-00462-AGF (E.D. Mo. Apr. 1, 2013);		F	196 employees	Complaint	Yes		196	196	
25	Brandt v. Burwell, No. 2:14-cv-00681 (W.D. Pa.), Nos. 14-3663, 14-4087 (3d Cir.)	Diocese of Greensburg		3,100 employees; 5,000 other participants in plan (this is a high number- it includes employees from other Dioceses)	Complaint	No	Diocese self-insured plan; Government argued that these and all similar Catholic diocese-sponsored self-insured plans and entities participating in such plans that are litigants represented by Jones Day likely qualify to be church plans exempt from ERISA. See, e.g., Doc. # 23, 2:14-cv-00681-AJS (W.D. Pa.). We cannot force such plan TPAs to offer contraceptive payments, and it is likely the churches will tell them not to, and the TPAs will not make the offers.	0	0	
26		Catholic Charities	C	18 employees	Complaint	No	Diocese self-insured plan	0	0	
27		St. John School	C	13 employees	Complaint	No	Diocese self-insured plan	0	0	

Draft--For Discussion Purposes

	A	B	C	D	E	F	G	H	I	J
	Case	Plaintiffs	Type: For-profit (F), Nonprofit (N), House of Worship or IA (H), Church Plan (C), Pro-life (P), Grandfathered (G)	Number of Employees/Students	Document employee number located within	Are students/employees counted in final total?	If not counted, explanation why	Number counted towards final total	Total employees (minus HoW/IA and SICPs)	Total students at relevant universities
1										
28	Briscoe v. Burwell, No. 1:13-cv-00285-WYD-BNB (D. Colo. Sept. 6, 2013); gov't appeal dismissed Sept. 4, 2014 (10th Cir. order);	Briscoe owns all plaintiff organizations involved: Continuum Health Partnerships, Inc./ Mountain States Health Properties, LLC/ Continuum Health Management, LLC/ CH-Greeley, LLC	F	200 employees	Complaint	Yes		200	200	
29	Catholic Benefits Association LCA v. Burwell (CBA I), No. 5:14-cv-00240 (W.D. Okla.), Catholic Benefits Association LCA v. Burwell (CBA II), No. 5:14-cv-00685 (W.D. Okla.), Nos. 14-6171, 14-6163, 15-6029, 15-6037, 15-6139, 16-6030, 16-6217 (10th Cir.)	Catholic Benefits Association	N	Unknown	N/A	To estimate the number in CBA plans that may be effected, 10,000 used.	CBA does not carry its own insurance	0	10,000	
30		Catholic Insurance Company	N	Unknown	N/A	No	CBA owns CIC, so we assume CIC also does not offer insurance	0	0	
31		Archdiocese of Baltimore	H	5,500 participants	Complaint	No	Diocese self-insured plan	0	0	
32		Cathedral Foundation (AKA Catholic Review Media)	C	32 employees	Complaint	No	Diocese self-insured plan	0	0	
33		Archdiocese of Oklahoma City- Complaint lists Mount St. Mary, St. Ann, and Office of Catholic Schools as sub-ministries	H	Unknown (see St. Ann, Mount St. Mary and Office of Catholic Schools below)		No		0		
34		St. Ann	C	78 employees	Form W-3 filing	No	Diocese self-insured plan	0	0	
35		Mount St. Mary	C	Unknown		No	Diocese self-insured plan	0	0	
36		Office of Catholic Schools	C			No	Diocese self-insured plan	0	0	
37		Villa St. Francis Catholic Care Center	N	100 participants	Complaint	Yes		100	100	
38		Goodwill Publishers	N	140 employees	Complaint	Yes		140	140	
39		Catholic Charities Oklahoma City	C	103 employees	Form W-3 filing	No	Diocese self-insured plan	0	0	
40		All Saints	C	Unknown		No	Diocese self-insured plan	0	0	
41		Catholic Charities and Family Services, Diocese of Norwich	N	69 employees	Second Complaint	Yes		69	69	
42	Catholic Charities of the Archdioceses of Philadelphia	Catholic Social Services	C	626 employees	Form W-3 filing	No	Diocese self-insured plan	0	0	
43	v. Burwell, No. 2:14-cv-3096 (E.D. Pa.), No. 14-3126 (3d Cir.)	St. Francis Homes for Boys	C	227 employees	Form W-3 filing	No	Diocese self-insured plan	0	0	
44		St. Edmund's Home for Children	C	226 employees	Form W-3 filing	No	Diocese self-insured plan	0	0	
45		Don Guanella Village	C	413 employees	Form W-3 filing	No	Diocese self-insured plan	0	0	
46		Divine Providence Village	C	667 employees	Form W-3 filing	No	Diocese self-insured plan	0	0	
47		St. Gabriel's System	C	458 employees	Form W-3 filing	No	Diocese self-insured plan	0	0	
48		Catholic Community Services	C	92	Form W-3 filing	No	Diocese self-insured plan	0	0	
49		Nutritional Development Services	C	64	Form W-3 filing	No	Diocese self-insured plan	0	0	
50		Villa St. Martha	C	117 employees	Form W-3 filing	No	Diocese self-insured plan	0	0	
51		St. Monica Manor	C	356 employees	Form W-3 filing	No	Diocese self-insured plan	0	0	
52		St. John Neumann Nursing Home	C	360 Employees	Form W-3 filing	No	Diocese self-insured plan	0	0	
53		Immaculate Mary Home	C	490 Employees	Form W-3 filing	No	Diocese self-insured plan	0	0	
54		St. Francis Country House	C	488 employees	Form W-3 filing	No	Diocese self-insured plan	0	0	
55		St. Martha Manor	C	272 employees	Form W-3 filing	No	Diocese self-insured plan	0	0	
56		St. Mary Manor	C	339 employees	Form W-3 filing	No	Diocese self-insured plan	0	0	
57		St. John Vianney Center	C	84 employees	Form W-3 filing	No	Diocese self-insured plan	0	0	
58		Catholic Clinical Consultants	C	19	Form W-3 filing	No	Diocese self-insured plan	0	0	
59	Catholic Diocese of Beaumont v. Burwell, No. 1:13-cv-00709 (E.D. Tex.), No. 14-40212 (5th Cir.)	Diocese	H	950 employees; 232 staff at schools	Complaint	No	Offers coverage through Christian Brothers Employee Benefit Trust- a self insured church plan	0	0	
60		Catholic Charities of Southeast Texas, Inc.	C	18 employees	Complaint		Offers coverage through Christian Brothers Employee Benefit Trust- a self insured church plan	0	0	
61	Catholic Diocese of Biloxi v. Burwell, No. 1:14-cv-00146 (S.D. Miss.)	Diocese of Jackson	H	900 employees	Complaint	No	Diocese self-insured plan	0	0	
62		Catholic Charities	C	140 employees	Complaint	No	Diocese self-insured plan	0	0	
63		Vicksburg	C	70 employees	Website	No	Diocese self-insured plan	0	0	
64		St. Joseph	C	85 employees	Website	No	Diocese self-insured plan	0	0	
65		Diocese of Biloxi	H	600 employees	Complaint	No	Diocese self-insured plan	0	0	
66		De L'epée Deaf Center	C	5 employees	Form W-3 filing	No	Diocese self-insured plan	0	0	
67		Catholic Social & Community Services Inc.	C	20 employees	Form W-3 filing	no	Diocese self-insured plan	0	0	
68		Resurrection Catholic and Sacred Heart	C	200 employees	Complaint	No	Diocese self-insured plan	0	0	

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	Case	Plaintiffs	Type: For-profit (F), Nonprofit (N), House of Worship or IA (H), Church Plan (C), Pro-life (P), Grandfathered (G)	Number of Employees/Students	Document employee number located within	Are students/employees counted in final total?	If not counted, explanation why	Number counted towards final total	Total employees (minus HoW/IA and SICPs)	Total students at relevant universities
1		St. Dominic-Jackson Memorial Hospital and affiliated locations and programs					Self-insured plan sponsored by Catholic affiliated hospital; grandfathered and already omits contraceptives, so could retain grandfathered status or pursue church plan status to continue omitting.	0	0	
69			G	2,200 employees	Complaint	No		0	0	
70	Conlon, Bishop of Catholic Diocese of Joliet v. Sebelius, 1:12-cv-03932 (N.D. Ill. May 21, 2012)	Diocese of Joliet	H	At least 1,570 employees	Complaint	No	Diocese self-insured plan	0	0	
71		Catholic Charities of Joliet	C	240 employees	Complaint	No	Diocese self-insured plan	0	0	
72		Diocese of Springfield	H	2585 employees	Complaint	No	Diocese self-insured plan	0	0	
73		Catholic Charities of Springfield	C	200 employees	Complaint	No	Diocese self-insured plan	0	0	
74		Catholic Charities of Chicago	N	2700 employees	Complaint	Yes	Self-funded welfare benefit plan but not sure if church plan	2,700	2,700	
75	Catholic Diocese of Nashville v. Burwell, No. 3:13-cv-1303 (M.D. Tenn.), No. 13-6640 (6th Cir.)	Diocese of Nashville	H	1200 employees	Complaint	No	House of Worship, fully insured	0	0	
76		Catholic Charities	N	115 employees	Complaint	Yes		115	115	
77		Aquinas College	N	16 employees	Website	employees; yes; students: no	Website/news reports indicate recent drastic downsizing of workforce; students not counted because complaint does not allege a student plan	16	16	0
78		Camp Marymount	N	75 employees	Complaint	Yes		75	75	
79		MQA	N	85 employees	Complaint	Yes		85	85	
80		St. Mary Villa	N	50 employees	Complaint	Yes		50	50	
81		Dominican Sisters	H	23 employees		No	Religious order	0	0	
82	Catholic Diocese of Peoria v. Sebelius, 1:12-cv-01276 JES-BGC (C.D. Ill. August 9, 2012)		H	Unknown		No	Diocese self-insured plan (court order 2013 WL 74240), and grandfathered	0	0	
83	Catholic Health Care System v. Burwell, No. 1:12-cv-02542 (E.D.N.Y.), No. 14-427 (2d Cir.); PACER	Archdiocese of New York	H	10,000 employees	Complaint	No	In the lawsuit the government took the position that this is a self-insured church plan. See, e.g., 987 F.Supp.2d at 242	0	0	
84		ArchCare	C	4,000 employees	Complaint	No	Catholic hospital self-insured plan	0	0	
85		Catholic Health Services of Long Island	C	17,000 employees	Complaint	No	Catholic hospital self-insured plan	0	0	
86		The Diocese of Rockville Centre	H	2,000 employees	Complaint	No	In the lawsuit the government took the position that this is a self-insured church plan. See, e.g., 987 F.Supp.2d at 242	0	0	
87		Monsignor Farrel High School	C	73 employees	Website	No	In the lawsuit the government took the position that this is a self-insured church plan. See, e.g., 987 F.Supp.2d at 242	0	0	
88		Cardinal Spellman High School	C	100 employees	Complaint	No	In the lawsuit the government took the position that this is a self-insured church plan. See, e.g., 987 F.Supp.2d at 242	0	0	
89	Christian & Missionary Alliance Foundation, Inc., No. 2:14-cv-00580 (M.D. FL.), Nos. 15-11437, 15-11635 (11th Cir.)	CMA d/b/a Shell Point Retirement Center		1247 employees	Form W-3 filing	Yes		1,247	1,247	
90		Alliance Community for Retirement Living		344 employees	Form W-3 filing	Yes		344	344	
91		Alliance Home of Carlisle		219 employees	Form W-3 filing	Yes		219	219	
92		Town and Country Manor		365 employees	Form W-3 filing	Yes		365	365	
93		Simpson University		815 employees	Complaint	employees; yes; students: no	Complaint does not seek relief for any student plan	815	815	0
94		Crown College		114 employees	Form W-3 filing; student enrollment: https://www.crown.edu/about/quick-facts/ ("nearly 1,300 students")	Yes		1,275 students; 114 employees	114	1,275
95	Christian Employers Alliance v. Burwell, No. 3:16-cv-309 (D.N.D.)	Christian Employers Alliance		Unknown		No	No claim was made for CEA plans, and no list of members beyond TBC and TIC	0	0	
96		Trinity Bible College		249 employees	Form W-3 filing	employees; yes; students: no	complaint does not mention student plan	249	249	
97		Treasure Island Coins		9 staff	Website	Yes		9	9	
98	Colorado Christian Univ. v. Burwell, No. 1:13-cv-02105 (D. Colo.), No. 14-1329 (10th Cir.)	Colorado Christian University		5,300 students; 680 employees	Complaint	Yes		5,300 students; 680 employees	680	5,300
99	Conestoga Wood Specialties Corp. v. Burwell (Burwell v. Hobby Lobby Stores, Inc.), No. 13-356 (U.S. June 30, 2014);	Conestoga Wood Specialties Corp. (Individual operators of Conestoga Wood Specialties Corporation are the three other named plaintiffs)		950 employees	Complaint	Yes		950	950	

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1										
100	Diocese of Cheyenne v. Burwell, No. 2:14-cv-00021 (D. Wyo.), No. 14-8040 (10th Cir.)	Diocese of Cheyenne		16 employees plus over 100 teachers	Complaint	No	Diocese self-insured plan	0	0	
101		Catholic Charities		6 employees	Complaint	No	Diocese self-insured plan	0	0	
102		St. Anthony School		41 employees	Complaint	No	Diocese self-insured plan	0	0	
103		St. Joseph's Home		130 employees, 62 orphan children	Complaint	No	Diocese self-insured plan	0	0	
104		JPIICS		20	Complaint	No	Diocese self-insured plan	0	0	
105		Wyoming Catholic College		32 employees	Complaint	No	Offers coverage through Christian Brothers Employee Benefit Trust- a self insured church plan	0	0	0
106	Diocese of Fort Wayne-South Bend Inc. v. Burwell, No. 1:12-cv-00159 (N.D. Ind.), No. 14-1431 (7th Cir.)	Diocese of Fort Wayne South Bend		2,741 employees	Complaint	No	Diocese self-insured plan; also grandfathered	0	0	
107		Catholic Charities		39 employees	Complaint	No	Diocese self-insured plan	0	0	
108		St Anne Home		310 employees	Complaint	Yes	Self-insured plan, but not sure if it is a church plan	310	310	
109		University of St Francis		2,300 students, 413 employees	Complaint	employees: yes; students: no	No student plan discussed; Employees are offered a self-insured health plan, but not sure it is a church plan, so included	413	413	0
110		Our Sunday Visitor		300 employees	Complaint	Yes	Self-insured plan, but not sure if it is a church plan	300	300	
111		Specialty Physicians		342 employees	Complaint	Yes		342	342	
112		Franciscan Alliance		18,000 employees	Complaint	Partial	All but 1,733 employees are on a church plan exempt from ERISA. See https://www.franciscanhealth.org/sites/default/files/2015%20employee%20benefit%20booklet.pdf (Only employees in Illinois are in BCBS plans and there are 1733 of those employees according to complaint)	1,733	1,733	
113	Doboszinski & Sons, Inc. v. Burwell, No. 0:13-cv-03148-JNE-FLN (D. Minn. Nov. 11, 2013);			32 employees	Complaint	Yes		32	32	
114	Dobson v. Burwell, No. 1:13-cv-03326 (D. Colo.), No. 14-1233 (10th Cir.)			28 employees	Complaint	Yes		28	28	
115	Domino's Farms Corporation v. Sebelius et al., No. 12 cv-15488 (E.D. Mich. Dec. 20, 2012)			89 employees	Complaint	Yes		89	89	
116	Dordt Coll. v. Burwell, No. 5:13-cv-04100 (N.D. Iowa, Western Division), No. 14-2726 (8th Cir.)	Dordt College		1,400 students, 280 employees	Complaint	Yes		1,400 students, 280 employees	280	1,400
117		Cornerstone University		2,923 students, 294 employees	Complaint	employees: yes; students: no	No student plan discussed	294	294	0
118	East Texas Baptist Univ. v. Burwell, No. 4:12-cv-03009 (S.D. Tex.), No. 14-20112 (5th Cir.)	Houston Baptist University		2,589 students, 416 employees	Complaint	No	Self-insured church plan	0	0	0
119		East Texas Baptist University		1,290 students, 283 employees	Complaint	Yes		1,290 students, 283 employees	283	1,290
120		Westminster Theological Seminary (Intervenor)		60 FT, 65 PT employees, 620 students	Complaint in intervention	employees: yes; students: no	complaint does not mention student plan	125	125	0
121	Eden Foods, Inc. v. Burwell, No. 13-1677 (6th Cir. June 28, 2013);			128 employees	Complaint	Yes		128	128	
122	Eternal Word Television Network, Inc. v. Burwell, No. 1:13-cv-00521 (S.D. AL), No. 14-12696 (11th Cir.)			350 employees	Complaint	Yes		350	350	
123	Fellowship of Catholic University Students v. Burwell No. 1:13-cv-03263-MSK-KMT (D. Colo. Apr. 23, 2014)			450 employees	Complaint	No	Case resolved on basis that plaintiff is integrated auxillary	0	0	
124	Feltl & Co., Inc. v. Burwell, No. 13-CV-2635 DWF/JJK (D. Minn. Nov. 8, 2013);	Complaint lists two owners of the company as individual plaintiffs		4 employees	Website	Yes		4	4	
125	Franciscan University v. Sebelius, 2:12-CV-440 (S.D. Ohio)			Unknown	Complaint	No	Sued while grandfathered and then dropped student plan. With no additional suit, no apparent affect from rule.	0	0	0
126	Geneva College v. Burwell, No. 2:12-cv-00207 (W.D. Pa.), Nos. 13-3536, 14-1374 (3rd. Cir.)	Geneva College		1,850 students, 350 employees	Complaint	Yes		1,850 students, 350 employees	350	1,850
127		Seneca Hardwood Lumber		22 employees	Complaint	No	Permanent injunction shields from previous rule	0	0	
128	Gilardi v. U.S. Dep't of Health and Human Servs., No. 13-5069, 2013 WL 5854246 (D.C. Cir. Nov. 1,	Freshway Foods		340 employees	Complaint	Yes		340	340	
129		Freshway Logistics		55 employees	Complaint	Yes		55	55	
130	Grace Schools v. Burwell, No. 3:12-cv-00459 (N.D. Ind.), No. 14-1430 (7th Cir.)	Grace College and Seminary		2,700 students, 457 employees	Complaint	Yes		2,700 students, 457 employees	457	2,700
131		Biola University		6,222 students, 856 employees	Complaint	Yes		6,222 students, 856 employees	856	6,222

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1	Grote Indus. LLC v. Burwell, No. 13-1077, 2013 WL 5960692 (7th Cir. Nov. 8, 2013), cert. denied sub nom. Burwell v. Korte, No. 13-937 (U.S. July 1, 2014);			1,148 employees	Complaint	Yes		1,148	1,148	
132	Hall v. Burwell, No. 0:13-cv-00295-JRT-LIB (D. Minn. Apr. 2, 2013);			Approximately 50 employees	Complaint and online news reports	Yes		50	50	
133				54 employees (including owners)	Complaint	Yes		54	54	
134	Hartenbower v. U.S. Dep't of Health and Human Servs., No. 1:13-cv-02253 (N.D. Ill. Apr. 18, 2013);	Hart Electric		7 employees	Complaint	Yes		7	7	
135	Hastings Chrysler Center, Inc. v. Burwell, No. 0:14-cv-00265-PAM-JJG (D. Minn. May 28, 2014);	H.I. Hart		60 employees	Complaint	Yes		60	60	
136	Hobby Lobby Stores, Inc., et al. v. Sebelius, et al., No. CIV-12-1000-HE (W.D. Okla. Oct. 2, 2012); Burwell v. Holland v. U.S. Dep't of Health and Human Servs., No. 13-15487 (S.D. W. Va. July 15, 2014);	Hobby Lobby		13,240 employees	Complaint	Yes		13,240	13,240	
137		Mardel		372 employees	Complaint	Yes		372	372	
138				150 employees	Complaint	Yes		150	150	
139	Infrastructure Alternatives, Inc. v. Burwell, No. 1:13-cv-00031-RJJ (W.D. Mich. Sept. 30, 2013)			70 employees	Complaint	Yes		70	70	
140	Insight for Living Ministries v. Burwell, No. 4:14-cv-675 (E.D. Tex.), No. 15-40031 (5th Cir.)			108 employees	Form W-3 filing	Yes		108	108	
141	Johnson Welded Prods. v. Burwell, No. 1:16-cv-557 (D.D.C.)			421 employees (including Lilli Johnson)	Complaint	Yes		421	421	
142	Korte v. Burwell, No. 12-3841, 2013 WL 5960692 (7th Cir. Nov. 8, 2013), cert. denied No. 13-937 (U.S. July 1, 2014);			90 employees	Complaint	Yes		90	90	
143	Legatus v. Burwell, No. 2:12-cv-12061-RHC-MJH (E.D. Mich. Dec. 20, 2013)	Legatus		69 employees	Complaint	Yes		69	69	
144		Weignart Supply Company, W&P Management LLC, and subsidiaries		170 employees	Complaint	Yes		170	170	
145	Lindsay v. U.S. Dep't of Health and Human Servs., No. 13-cv-1210 (N.D. Ill. Mar. 20, 2013);			70 employees	Complaint	Yes		70	70	
146	Little Sisters of the Poor Home for the Aged v. Burwell, No. 1:13-cv-2611 (D. Colo.), No. 13-1540 (10th Cir.)	Christian Brothers Employee Benefit Trust (Little Sisters uses Christian Brothers Employee Benefit Trust, and Christian Brothers Services is the TPA for the Christian Brothers Employee Benefit Trust)		5,000 employees	Complaint	No	Self-insured church plan	0	0	
147	Louisiana Coll. v. Burwell, No. 1:12-cv-00463 (W.D. La.), No. 14-31167 (5th Cir.)			1,450 students, 260 employees	Complaint	No	Self-insured church plan	0	0	0
148	March for Life v. Burwell, No. 1:14-cv-1149 (D.D.C.), No. 15-5301 (D.C. Cir.)			2 employees covered in plan; less than 10 overall		No	All employees must/do oppose the coverage; therefore not counting as affected by rules	0	0	
149	Media Research Center v. Sebelius, No. 1:14-CV-379 (E.D. Virginia)			114 employees	Complaint	Yes		114	114	
150	Mersino Mgmt. Co. v. Burwell, No. 13-1944 (6th Cir. July 9, 2014)			110 employees	Complaint	Yes		110	110	
151	Michigan Catholic Conf. v. Burwell, No. 1:13-cv-1247 (W.D. Mich.), No. 13-2723 (6th Cir.)	Michigan Catholic Charities		6,429 employees	Complaint	No	Self-insured church plan	0	0	
152		Catholic Charities		55 employees	Complaint	No	Self-insured church plan	0	0	
153	Midwest Fastener Corp. v. Burwell, No. 1:13-cv-01337-ESH (D.D.C. Oct. 16, 2013);			187 employees	Complaint	Yes		187	187	
154										
155	MK Chambers Co. v. Dep't of Health and Human Servs., No. 13-cv-11379 (E.D. Mich. Nov. 21, 2014)			106 employees	Business profile on manta.org	Yes		106	106	
156	Nagle, Christopher, et al. v. Kathleen Sebelius, et al.; No. 2:13-cv-12036-VAR-DRG (E.D. Mich. May 10, 2013) (AKA "M&N Plastics")			109 employees	Complaint	Yes		109	109	
157	Newland v. Burwell, 881 F. Supp. 2d 1287 (D. Colo. July 27, 2012), affirmed on appeal, No. 12-1380 (10th Cir. Oct. 3, 2013)			Unknown		No	Permanent injunction	0		
158	O'Brien v. U.S. Dep't of Health & Human Servs., No. 12-3357 (8th Cir. Nov. 28, 2012)			87 employees	Complaint	Yes		87	87	
159	Ozinga v. Burwell, No. 1:13-cv-3292 (N.D. Ill.), No. 15-3648 (7th Cir.)			675+ employees	Complaint	Partial	Only 110 obtain insurance through the plan that would be affected by the exemption. This is upscaled to 110/62%=178	178	178	
160	Persico v. Burwell, No. 1:13-cv-0303 (W.D. Pa.), Nos. 14-1376 (3d Cir.);	Cathlice Diocese of Erie		1,500 employees	Complaint	No	Diocese self-insured plan	0	0	
161		St Martin Center		61 employees	Form W-3 filing	No	Diocese self-insured plan	0	0	
162	formerly Most Reverend Donald W. Trautman, Bishop of the Roman Catholic Diocese of Erie, et al., v. Sebelius; No. 1:12-cv-00123-SPB (W.D. Pa. May 30, 2013)	Prince of Peace Center		20 employees	Form W-3 filing	No	Diocese self-insured plan	0	0	
163		Erie Catholic Preparatory School		80 employees	Complaint	No	Diocese self-insured plan	0	0	
164	Priests for Life, No. 1:13-cv-01261 (D.D.C.), No. 13-5368 (D.C. Cir.)			60 employees	Website	Yes		60	60	

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1	Randy Reed Auto, Inc. v. Burwell, No. 5:13-cv-6117-SJ-ODS (W.D. Mo. Dec. 3, 2013);			approximately 179 employees	Complaint	Yes		179	179	
165	Reaching Souls Int'l, Inc. v. Burwell, No. 5:13-cv-01092 (W.D. Okla.), No. 14-6028 (10th Cir.)			78,000 participants (pastors, employees, and their families)	Complaint	No	Self insured church plan	0	0	
166	Real Alternatives, Inc. v. Burwell, No. 1:15-cv-105 (M.D. Pa.), No. 16-1275 (3d Cir.)			3 employees	Complaint	No	All employees must/do oppose the coverage; therefore not counting as affected by rules	0	0	
167	Right to Life of Michigan v. Kathleen Sebelius; No. 1:13-CV-01202 (W.D. Mich. Nov. 22, 2013)			43 employees	Complaint	No	All employees must/do oppose the coverage; therefore not counting as affected by rules	0	0	
168	Roman Catholic Archbishop of Washington v. Burwell, No. 1:13-cv-01441 (D.D.C.), Nos. 13-5371, 14-5021 (D.C. Cir.)	Cathoic University		7,000 students, 1,766 employees	Complain	Yes		7,000 students, 1,766 employees	1,766	7,000
169				2,100 eligible employees, 1,200 teachers/employees at schools	Complaint	No	Diocese self-insured plan	0	0	
170			Archdiocese of Washington	370 students, 78 eligible employees	Complaint	No	Church plan and complaint does not state that it offers student insurance	0	0	0
171			Thomas Aquinas College	119 employees	Complaint	No	Diocese self-insured plan	0	0	
172			Consortium of Catholic Academies	70 employees	Complaint	No	Diocese self-insured plan	0	0	
173			Archbishop Carroll	51 employees	Complaint	No	Diocese self-insured plan	0	0	
174			Don Bosco	9 employees	Complaint	No	Diocese self-insured plan	0	0	
175			Cathoic Information Center	44 employees	Complaint	No	Diocese self-insured plan	0	0	
176			Mary of Nazareth	890 employees	Complaint	No	Diocese self-insured plan	0	0	
177			Catholic Charities	184 employees	Complaint	No	Diocese self-insured plan	0	0	
178			Victory Housing	9,800 students, 4,200 employees	Complaint	No	Diocese self-insured plan	0	0	
179	Roman Catholic Archdiocese of Atlanta v. Burwell, No. 1:12-cv-03489 (N.D. Ga.), Nos. 14-12890, 14-13239 (11th Cir.)	Roman Catholic Archdiocese of Atlanta		75 employees	Complaint	No	Diocese self-insured plan	0	0	
180			Catholic Charities	200 employees	Complaint	No	Diocese self-insured plan	0	0	
181			CENG	5,000 students; hundreds of employees	Complaint	No	Diocese self-insured plan	0	0	
182			Diocese of Savannah	900 teachers/staff, 100+ employees	Complaint	No	Diocese self-insured plan	0	0	
183	Roman Catholic Diocese of Dallas v. Sebelius, No. 3:12-cv-01589-B (N.D. Tex.)						Diocese self-insured plan	0	0	
184	School of the Ozarks v. Rightchoice Managed Care, Inc., No. 6:13-cv-03157 (W.D. Mo.), No. 15-1330 (8th Cir.)			1,442 students, 601 employees	Students - online; employees - Form w3 Filing	Employees only	Complaint does not say they offer a student plan	601	601	
185	Sharpe Holdings, Inc. v. Burwell, No. 2:12-cv-92 (E.D. Mo.) and CNS Intl Ministries, No. 14-1507 (8th Cir.)	Sharpe		50 employees	2dam complaint and Linked in	Yes		50	50	
186			Ozark	51 employees	2dam complaint and Linked in	Yes		51	51	
187			CNS International Ministries	204 employees	Form W-3 filing	Yes		204	204	
188			NIS Financial	49 employees	2dam Complaint	Yes		49	49	
189			CNS Corp	49 employees	2dam Complaint	Yes		49	49	
190			Heartland Christian College	12 employees	Form W-3 filing	Employees only	Complaint does not say they offer a student plan	12	12	0
191	Sioux Chief Mfg. Co. v. Burwell, No. 13-0036-CV-W ODS (W.D. Mo. Feb. 28, 2013);			370 employees	Complaint	Yes		370	370	
192	SMA, LLC v. Burwell, No. 0:13-cv-01375-ADM-LIB (D. Minn. July 8, 2013);			35 employees	Complaint	Yes		35	35	
193	Southern Nazarene Univ. v. Burwell, No. 5:13-cv-1015 (W.D. Okla.), No. 14-6026 (10th Cir.)	Southern Nazarene University		2,100 students, 505 employees	Complaint	Yes		2,100 students, 505 employees	505	2,100
194			OK Weselan University	1,220 students, 557 employees	Complaint	Employees only	Complaint does not say they offer a student plan	557 employees	557	0
195			OK Baptist University	1,900 students, 328 employees	Complaint	Yes		1,900 students, 328 employees	328	1,900
196			Mid America Christian University	1,447 students, 298 employees	Complaint	No	Mid America Christian Univ is on Guidestone, a self-insured church plan	0	0	0
197	Stewart v. Burwell, No. 1:13-cv-01879 (D.D.C. Apr. 3, 2014);	Encompass Develop, Design & Construct, LLC		43 employees	Complaint	Yes		43	43	
198	Stinson Electric, Inc. v. Burwell, No. 14-00830-PJS-JIG (D. Minn. April 30, 2014);			19 employees	Business profile on manta.org	Yes		19	19	
199	The C.W. Zumbiel Co. v. Burwell, No. 1:13-cv-01611 (D.D.C. Nov. 27, 2013);			350 employees	Complaint	Yes		350	350	
200	The Criswell College v. Sebelius, No. 3:12-cv-04404-N (N.D. Tex.)			322 students, 50 employees	Complaint	Employees only	Complaint does not say they offer a student plan	50	50	
201	The QC Grp., Inc., v. Burwell, No. 0:13-cv-01726-JRT-SER (D. Minn. Sept. 11, 2013);			62 employees	Complaint	Yes		62	62	
202	Thomas G. Wenski v. Kathleen Sebelius; No. 12-cv-23820-Graham/Goodman (S.D. Fla. Nov. 7, 2012)	Archdiocese of Miami		Unknown		No	House of worship	0	0	
203			Catholic Health Services	2,000 employees	Complaint	Yes		2,000	2,000	
204		Catholic Hospice		610 employees	Form W-3 filing	Yes		610	610	

Draft--For Discussion Purposes

	A	B	C	D	E	F	G	H	I	J
	Case	Plaintiffs	Type: For-profit (F), Nonprofit (N), House of Worship or IA (H), Church Plan (C), Pro-life (P), Grandfathered (G)	Number of Employees/Students	Document employee number located within	Are students/employees counted in final total?	If not counted, explanation why	Number counted towards final total	Total employees (minus HoW/IA and SICPs)	Total students at relevant universities
1										
205		St. Thomas University		Unknown		No	Lawsuit mentions St. Thomas University but asserts no claims for its health plans	0	0	0
206	Tonn & Blank Constr. v. Burwell, No. 1:12-cv-00325-JD-RBC (N.D. Ind. Apr. 1, 2013);			60 employees	Complaint	Yes		60	60	
207	Trijicon, Inc. v. Burwell, No. 1:13-cv-1207 (D.D.C.)			469 employees	Complaint	Yes		469	469	
208	Tyndale House Publishers, Inc. v. Burwell, 904 F. Supp. 2d 106 (D.D.C. Nov. 16, 2012);			260 employees	Complaint	Yes		260	260	
209	Union University v. Burwell, No. 1:14-cv-1079 (W.D. Tenn.)			2,829 students, 1,116 employees	Students - online; employees - Form w3 Filing	Employees only	Complaint does not say they offer a student plan	1,116 employees	1,116	0
210	Univ of Dallas v. Burwell, No. 4:12-cv-00314 (N.D. Tex.), No. 14-10241 (5th Cir.), Nos. 14-10661 (5th Cir.)	Roman Catholic Diocese of Fort Worth		6,500 students, 2,000 employees	Complaint	No	Offers coverage through Christian Brothers Employee Benefit Trust- a self insured church plan	0	0	
211		University of Dallas		2,600 students, 725 employees	Complaint	Yes		2,600 students, 725 employees	725	2,600
212		Catholic Charities		332 employees	Complaint	Yes		332	332	
213		Our Lady Of Victory Catholic School		23 employees	Complaint	No	Offers coverage through Christian Brothers Employee Benefit Trust- a self insured church plan	0	0	
214	Univ. of Notre Dame v. Burwell, No. 3:13-cv-1276 (N.D. Ind.), No. 13-3853 (7th Cir.)			11,500 students, 5,000 employees	Complaint	yes		11,500 students, 5,000 employees	5,000	11,500
215	Valley Forge Christian College of the Assemblies of God v. Burwell; No. 14-4622 (E.D. Pa. Aug. 14, 2014)			Unknown	Complaint	No	Plaintiff voluntarily dismissed suit; our understanding is they were satisfied with previous accommodation	0	0	0
216	Weingartz Supply Co. v. Burwell, No. 2:12-cv-12061 (E.D. Mich.), No. 14-1183 (6th Cir.)			170 employees	DC Ruling	Yes		170	170	
217	Wheaton College v. Burwell, No. 1:13-cv-08910 (N.D. Ill.), No. 14-2396 (7th Cir.)			870 Employees	Complaint	Yes	Note: Students not counted because complaint states that Wheaton dropped student coverage	870	870	0
218	Williams v. Burwell, No. 1:13-cv-01699 (D.D.C. Nov. 19, 2013);			3 employees	Complaint	Yes		3	3	
219	Willis Law v. Burwell, No. 1:13-cv-01124-CKK (D.D.C. Aug. 23, 2013);			15 employees	Complaint	Yes		15	15	
220	Yep v. Sebius, No. 1:12-cv-6756 (N.D. Ill.), Triune Health Group, Inc. v. Burwell, No. 1:12-cv-06756 (N.D. Ill.); No. 13-1478 (7th Cir.)			4 employees	Website	Yes		4	4	
221	Zubik v. Burwell, No. 2:13-cv-1459 (W.D. Pa.), Nos. 14-1377 (3d Cir.)	Diocese		140+ full-time employees	Complaint	No	Diocese self-insured plan	0	0	
222		Catholic Charities		115 employees	Complaint	No	Diocese self-insured plan	0	0	
223							Diocese self-insured plan. Cemeteries was covered by the diocese's previous self-insured plan the Catholic Employers Benefits Plan; the new complaint says that CEBS was converted to the Catholic Benefits Trust, and Cemeteries are omitted as co-plaintiffs.			
224		Catholic Cemeteries		207 employees	Complaint	No		0	0	
225								Total	64,352	46,737
226										7% of students use university sponsored plans http://www.gao.gov/new.items/d08389.pdf
227								Total	64,352 employees in affected plans	3,272 students in affected plans

	A	B	C	D	E	F	G	H	I	J	K	L
1					DRAFT: INFORMATION NOT RELEASABLE TO THE PUBLIC UNLESS AUTHORIZED BY LAW: This information has not been publicly disclosed and may be privileged and confidential. It is for internal government use only and must not be disseminated, distributed, or copied to persons not authorized to receive the information. Unauthorized disclosure may result in prosecution to the full extent of the law.							
2					Notification from Eligible Organizations to HHS Regarding Religious Objections to Providing Contraceptive Coverage							
3					Redacted							
4												
5					Eligible Organization Information				Plan Information			
6	Tracking number	Date notification received	Received via mail or e-mail?	Name of eligible organization	Contact information for eligible organization	Type of organization (Non-profit or other)	Plaintiff in Litigation? (Yes or No) (See instruction #2 above)	Contraceptive services not provided	Plan name	Plan type (Student Plan, Church Plan, Other)	Fully insured, self-insured or both?	Name of issuer (enter N/A if none)
7	Redacted	8/26/2014	E-mail	Cummins-Alison Corp and Cummins Illinois Inc.	Redacted	Other	No	Plan B Ella Mirena Copper IUDs	Redacted	Other	self-insured	Redacted
8										Other	Fully insured	
9		9/8/2014	E-mail	Loyola University		Non-profit	No	All		Other	Fully insured	
10										Other	Fully insured	
11		9/10/2014	E-mail	Valley Forge Christian College		Non-profit	Yes	Ulipristal (aka Ella) Levonorgestrel (aka Plan B Plan B One-Step Next Choice) Intrauterine Devices (of any type) Abortion services except to save the life of the mother		Other	Fully insured	
12										Other	self-insured	
13		9/19/2014	E-mail	Sisters of the Order of St. Dominic of Grand Rapids (Dominican Sisters)		Non-Profit	No	All		Other	Fully insured	
14		9/19/2014	E-mail	Continuant		Other	No	Emergency Contraceptives & IUD's		Other	Fully insured	
15										Other	Fully insured	
16		10/ /2014	E-mail	Management Analysis and Utilization Inc.		Other	No	"All abortifacient coverages such as but not limited to morning after and week after services"		Other	Both	
17										Other	Both	
18										Other	self-insured	
19		10/6/2014	E-mail	Holy Ghost Preparatory School		Non-profit	No	All		Other	Fully insured	
20		10/9/2014	Mail	The Catholic Diocese of Memphis in Tennessee		Non-profit				Church Plan	self-insured	
21										Other	self-insured	
22		10/9/2014	Mail	Belhaven University		Non-profit		All		Other	self-insured	
23										Other	self-insured	
24		10/10/2014	E-mail	Bingaman and Son Lumber Inc. PO Box 247 1195 Creek Mountain Rd Kreamer PA 17833		Other		Plan B Ella Mirena Paraguard		Other	Fully insured	
25										Other	Fully insured	

	M	N	O	P	Q	R	S	T	U	V	W
1											
2											
3											
4											
5	Service Provider Information					Action Taken					
6	Contact information for issuer (enter N/A if none)	Name of TPA (enter N/A if none)	Contact information for TPA (enter N/A if none)	Original information or updated information?	For updated information, date the information is effective	For updated information, summary of changes	For fully insured plans, date letter sent to issuer by HHS	For self-insured plans, date notification forwarded to DOL	For for-profit organizations, date letter sent to organization (see instruction #3 above)	Notes	
7	Redacted	Redacted	Redacted	Original	N/A	Redacted					
8				Original	N/A						
9				Original	N/A						
10				Original	N/A						
11				Original	N/A						
12				Original	N/A						
13				Original	N/A						
14				Original	N/A						
15				Original	N/A						
16				Original	N/A						
17				Original	N/A						
18				Original	N/A						
19				Original	N/A						
20				Original	N/A						
21				Original	N/A						
22				Original	N/A						
23				Original	N/A						
24				Original	N/A						
25				Original	N/A						

Notifications

670108

	M	N	O	P	Q	R	S	T	U	V	W
	Service Provider Information										
	Contact information for issuer (enter N/A if none)	Name of TPA (enter N/A if none)	Contact information for TPA (enter N/A if none)	Original information or updated information?	For updated information, date the information is effective	For updated information, summary of changes	For fully insured plans, date letter sent to issuer by IRS	For self-insured plans, date notification forwarded to DOL	Action taken For for-profit organizations, date letter sent to organization (see instruction #9 above)	Notes	
6	Redacted	Redacted	Redacted	Updated	1/ /2015	Redacted					
26				Updated	1/1/2015						
27				Updated	1/1/2015						
28				Original	N/A						
29				Original	N/A						
30				Original	N/A						
31				Original	N/A						
32											
33				Original	N/A						
34				Original	N/A						
35											
36											
37				Original	N/A						
38											

Notifications

670110

S	A	B	C	D	E	F	G	H	I	J	K	L
	Tracking number	Date notification received	Received via mail or e-mail?	Name of eligible organization	Eligible Organization Information Contact information for eligible organization	Type of organization (Non-profit or other)	Plaintiff in Litigation? (Yes or No) (See instruction #2 above)	Contraceptive services not provided	Plan name	Plan type (Student Plan, Church Plan, Other)	Fully insured, self-insured or both?	Name of issuer (enter N/A if none)
39	Redacted	11/20/2014	E-mail	J.E. Dunn Construction Group Inc.	Redacted	Other		<ul style="list-style-type: none"> Plan B (levonorgestrel) and its generic equivalents ella (ulipristal acetate) ParaGuard (copper IUD) Mirena and Skyla (levonorgestrel-releasing IUDs) 	Redacted	Other	Self-insured	Redacted
40										Other	Self-insured	
41										Other	self-insured	
42		12/5/2014	E-mail	Greenville College		Non-profit		Plan B Ella and a IUDs		Other	self-insured	
43										Other	self-insured	
44		12/9/2014	E-mail	Covenant Presbyterian Church		Non-profit						
45		12/17/2014	E-mail	Trinity Schools Inc. D/B/A Trinity School at River Ridge		Non-profit	No			Other?	Fully insured?	
46		12/17/2014	E-mail	People of Praise Minnesota Inc.		Non-profit	No			Other?	Fully insured?	
47		12/2 /2014	E-mail	Oral Roberts University		Non-profit		EC Plan B One-step (the morning after pill); Ella Ultralast Acetate (the week after pill); copper intrauterine devices; hormonal intrauterine devices; as well as any other drug device procedure or mechanism which has the purpose or effect of preventing an already fertilized egg from developing further by inhibiting or terminating its attachment to the uterus"		Other	self-insured	
48		1/9/2015	Mail	ParishSOFT LLC		Other		"All contraceptive medications and procedures (sterilization abortions Rx contraceptive devices, etc.)"		Other	Fully insured	
49										Other	Fully insured	
50		1/12/2015	Mail	DAS Companies Inc.		Other		All		Other	self-insured	
51		1/30/2015	E-mail	Illinois Baptist Children's Home and Family Services		Non-profit	No					
52		2/1 /2015	Mail	Olivet Nazarene University		Non-profit	No	"the Health Plan will not provide pay for and/or facilitate access to abortion-inducing products and related counseling. This includes the use of Yaz, EllaOne and the Copper-T IUD when prescribed with a diagnosis of pregnancy." The Health Plan will require a prior authorization for the dispensing of Yaz, EllaOne and the Copper-T IUD. Coverage of these products will not be allowed until a doctor confirms the use of the medications for non-abortion purposes." Plan B will be non-covered."		Other	Fully insured	
53		4/15/2015	Mail	St. Raphael Health Plan - all participating employers (136-4)		Non-profit		All		Church Plan	self-insured	

Notifications

670111

	M	N	O	P	Q	R	S	T	U	V	W
	Service Provider Information										
	Contact information for issuer (enter N/A if none)	Name of TPA (enter N/A if none)	Contact information for TPA (enter N/A if none)	Original information or updated information?	For updated information, date the information is effective	For updated information, summary of changes	For fully insured plans, date letter sent to issuer by 2015	For self-insured plans, date notification forwarded to DOL	Action taken For for-profit organizations, date letter sent to organization (see instruction #5 above)	Notes	
38	Redacted	Redacted	Redacted	Original	N/A	Redacted					
39				Original	N/A						
40				Original	N/A						
41				Original	N/A						
42				Original	N/A						
43				Original	N/A						
44											
45					N/A						
46					N/A						
47				Updated	1/1/2015						
48				Original	N/A						
49				Original	N/A						
50				Original	N/A						
51				Original	N/A						
52				Original	N/A						
53				Original	N/A						

Notifications

670112

S	A	B	C	D	E		G	H	I	J	K	L
	Tracking number	Date notification received	Received via mail or e-mail?	Name of eligible organization	Contact information for eligible organization	Type of organization (Non-profit or other)	Plaintiff in Litigation? (Yes or No) (See instruction #2 above)	Contraceptive services not provided	Plan name	Plan type (Student Plan, Church Plan, Other)	Fully insured, self-insured or both?	Name of issuer (enter N/A if none)
6	Redacted				Redacted				Redacted			Redacted
54		5/4/2015	Mail	Society of the Precious Blood		Non-profit		All		Other	Fully insured	
55		5/22/2015	E-mail	Michael James Sales Tax Solutions LLC		Other		"Any and all abortifacients"		Other	Fully insured	
56		07/08/15	Litigation (Zubik v. Burwell)	The ROMAN CATHOLIC DIOCESE OF PITTSBURGH (* exempt)		Non-profit	Yes	All		Church Plan	self-insured	
57		07/08/15	Litigation (Zubik v. Burwell)	THE ROMAN CATHOLIC DIOCESE OF ERIE (*exempt)		Non-profit	Yes	All		Church Plan	self-insured	
58		07/08/15	Litigation (Zubik v. Burwell)	CATHOLIC CHARITIES OF THE DIOCESE OF PITTSBURGH INC.		Non-profit	Yes	All		Church Plan	self-insured	
59		07/08/15	Litigation (Zubik v. Burwell)	THE CATHOLIC CEMETERIES ASSOCIATION OF THE DIOCESE OF PITTSBURGH		Non-profit	Yes	All		Church Plan	self-insured	
60		07/08/15	Litigation (Zubik v. Burwell)	ST. MARTIN CENTER INC.		Non-profit	Yes	All		Church Plan	self-insured	
61		07/08/15	Litigation (Zubik v. Burwell)	PRINCE OF PEACE CENTER INC.		Non-profit	Yes	All		Church Plan	self-insured	
62		07/08/15	Litigation (Zubik v. Burwell)	ERIE CATHOLIC PREPARATORY SCHOOL		Non-profit	Yes	All		Church Plan	self-insured	
63		8/3/2015	Mail	Oral Roberts University		Non-profit		EC Plan B One-step (the morning after pill); Ella One-step (the week after pill); copper intrauterine devices; hormonal intrauterine devices; as well as any other drug device procedure or mechanism which has the purpose or effect of preventing an already fertilized egg from developing further by inhibiting or terminating its attachment to the uterus"		Student	Fully insured	

	M	N	O	P	Q	R	S	T	U	V	W
5	Service Provider Information					Action Taken					
6	Contact information for issuer (enter N/A if none)	Name of TPA (enter N/A if none)	Contact information for TPA (enter N/A if none)	Original information or updated information?	For updated information, date the information is effective	For updated information, summary of changes	For fully insured plans, date letter sent to issuer by HHS	For self-insured plan, date notification forwarded to DOL	For for-profit organizations, date letter sent to organization (see instruction #1 above)	Notes	
	Redacted	Redacted	Redacted	Original	N/A	Redacted					
54				Original	N/A						
55				Original	N/A						
56				Original	N/A						
57				Original	N/A						
				Original	N/A						
58				Original	N/A						
				Original	N/A						
59				Original	N/A						
60				Original	N/A						
61				Original	N/A						
62				Original	N/A						
63				Original	N/A						

S	A	B	C	D	E		G	H	I		K	L
	Tracking number	Date notification received	Received via mail or e-mail?	Name of eligible organization	Contact information for eligible organization	Type of organization (Non-profit or other)	Plaintiff in litigation? (Yes or No) (See instruction #2 above)	Contraceptive services not provided	Plan name	Plan type (Student Plan, Church Plan, Other)	Fully insured, self-insured or both?	Name of issuer (enter N/A if none)
63	Redacted	8/2 /2015	E-mail	Cummins-Alison Corp and Cummins Illinois Inc.	Redacted	Other	No	Plan B Ella Mirena Copper IUDs	Redacted	Other	self-insured	Redacted
64												
65		9/25/2015	E-mail	Weingartz Supply Co. Inc. & W & P Management LLC		Other	Yes	All contraceptive services		Other	Fully insured	
66		10/14/2015	Ma I	Carolyn's Place Inc.		Non-profit		All contraceptive services			Fully insured	
67		10/14/2015	Ma I	Dakota Tube Inc		Other						
68		10/28/2015	Ma I	Tyndale House Publishers Inc.		Other		post-conceptive medications and devices namely emergency contraceptives such as the "morning-after pill" the "week-after pill" and intrauterine devices		Other	Self-insured	
69		10/29/2015	E-mail	Electrolock Inc. Dunstone Co. Inc. and Stone River Mgmt. Co. LLC.		Other		All		Other	self-insured	
70											Fully insured	
71		11/19/2015	Ma I	Management Analysis and Utilization Inc.		Other		Ella Plan B Plan B One Step Next Choice Next Choice One Dose My Way and Take Action		Other	Fully Insured	
72											self-insured	
73		12/17/2015	SWIFT	Conestoga Wood Specialties Corp. Conestoga Transportation Inc. Phone: 717-445-6701		Other	Yes	Any hormonal drugs or IUDs		Other	self-insured	
74		12/2 /2015	E-mail	St. Joseph's Abby (AKA. Cistercian Abby of Spencer)		Non-profit	No	ALL contraceptive services required to be covered under PHS Act section 2713 as added by the Affordable Care Act and incorporated into ERISA section 715 and Code section 9815		Church Plan	Fully insured	
75		12/2 /2015	Ma I	Dakota Tube Inc.		Other						
76		1/28/2016	Ma I	Community Foundation of Northwest Indiana Inc. St. Mary Medical Center St. Catherine Hospital		Non-profit		All - "objection to providing coverage of all contraceptive services required to be covered under PHS Act section 2713 as added by the Affordable Care Act and incorporated into ERISA section 715 and Code section 9815."		Other	Self-insured	
77		2/2 /2016	E-mail	Miller Contracting Services Inc.		Other		All		Other		
78		3/3/2016	E-mail	Earth Sun Moon Trading company Inc		Other		All		Other	Fully insured	

	M	N	O	P	Q	R	S	T	U	V	W
5	Service Provider Information								Action Taken		
6	Contact information for issuer (enter N/A if none)	Name of TPA (enter N/A if none)	Contact information for TPA (enter N/A if none)	Original information or updated information?	For updated information, date the information is effective	For updated information, summary of changes	For fully insured plans, date letter sent to issuer by HHS	For self-insured plan, date notification forwarded to DOL	For for-profit organizations, date letter sent to organization (see instruction #1 above)	Notes	
	Redacted	Redacted	Redacted	Original	N/A	Redacted					
64				Original	N/A						
65				Original	N/A						
66				Original	N/A						
67											
68				Original	N/A						
69				Original	N/A						
70				Original	N/A						
71				Original	N/A						
72				Original	N/A						
73				Original	N/A						
74				Original	N/A						
75											
76				Original	N/A						
77				Original	N/A						
78				Original	N/A						

5	A	B	C	E		G	H	J		K	L
	Tracking number	Date notification received	Received via mail or e-mail?	Eligible Organization Information	Eligible Organization Information	Plaintiff in Litigation? (Yes or No) (See instruction #2 above)	Contraceptive services not provided	Plan name	Plan type (Student Plan, Church Plan, Other)	Fully insured, self-insured or both?	Name of issuer (enter N/A if none)
6	Redacted	3/7/2016	E-mail	Lurtsema Sales	Redacted	Other	All	Redacted	Other	Fully insured	Redacted
79											
80		3/24/2016	E-mail	Continuum Health Partnerships Inc.		Other	Abortion causing drugs devices and sterilizations; patient education and counseling for all women with reproductive capacity.		Other	self-insured	
81				Continuum Health Management LLC							
82				Mountain States Health Properties LLC.							
83		3/28/2016	E-Mail	Fresh Unlimited Inc.		Other	All		Other	Fully Insured	
84		4/1/2016	E-mail	Sarkes Tarzian Inc.		Other	All		Other	Fully Insured	
85		7/19/2016	E-Mail	Mersino Management Company		Other	All		Other	self-insured	
86				Mersino Southwest, LLC							
87				Mersino Enterprise Inc.							
88				Global Pump Company							
89				Mersino Properties Company, LLC							
90				Mersino Dewatering Inc.							
91		7/26/2016	Litigation: 2nd Circuit Court 1:12-cv-02542-BMC Catholic Health Care System	Catholic Health Care System (aka ArchCare)		Yes	abortion-inducing drugs sterilizations contraceptives			self-insured	
92				Cardinal Spellman High School		Yes				self-insured	
93				Monsignor Farrell High School						self-insured	
94				Catholic Health Services of Long Island		Yes				self-insured	
95		7/26/2016	Litigation: Geneva 3rd Circuit Court 2:12-cv-00207	Geneva College (employee)		Yes	abortion-inducing drugs		Other	Fully Insured	
96				Geneva College (Student)		Yes			Student	Fully Insured	
97		7/26/2016	Litigation: Persico 3rd Circuit Court 1-13-cv-00303	The Roman Catholic Diocese of Erie* (exempt)	Non-profit	Yes	abortion-inducing drugs contraceptives or sterilization		Church Plan	self-insured	
98				Erie Catholic Preparatory School	Non-profit						
99				PRINCE OF PEACE CENTER INC.	Non-profit						
100				ST. MARTIN CENTER INC.	Non-profit						
101		7/26/2016	Litigation: Zubik 3rd Circuit Court 2-12-cv-00676	Catholic Charities of Pittsburgh	Non-profit	Yes	abortion-inducing drugs contraceptives or sterilization		Church Plan	self-insured	
102				Diocese of Pittsburgh* (Exempt)							
103		7/26/2016	Litigation: Catholic Diocese of Beaumont 5th Circuit Court	Catholic Charities of Southeast Texas		Yes	abortifacients contraception and sterilization		Other	self-insured	
104				Catholic Diocese of Beaumont* (Exempt)							

5	M	N	O	P	Q	R	S	T	U	V	W						
Service Provider Information																	
6	Contact information for issuer (enter N/A if none)	Name of TPA (enter N/A if none)	Contact information for TPA (enter N/A if none)	Original information or updated information?	For updated information, date the information is effective	For updated information, summary of changes	For fully insured plans, date letter sent to issuer by HHS	For self-insured plan, date notification forwarded to DOL	Action Taken For for-profit organizations, date letter sent to organization (see instruction #1 above)	Notes							
	Redacted	Redacted	Redacted	Original	N/A	Redacted											
79																	
80				Original	N/A												
81																	
82				Original	N/A												
83																	
84				Original	N/A												
85																	
86				Original	N/A												
87																	
88				Original	N/A												
89																	
90																	
				Original	N/A												
91																	
92				Original	N/A												
93				Original	N/A												
				Original	N/A												
94																	
95				Original	N/A												
96				Original	N/A												
97																	
98				Updated	N/A												
99																	
100																	
101				Updated	N/A												
102																	
103				Original	N/A												
104																	

5	A	B	C	D	E	F	G	H	I	J	K	L
6	Tracking number	Date notification received	Received via mail or e-mail?	Name of eligible organization	Eligible Organization Information		Plaintiff In Litigation? (Yes or No) (See instruction #2 above)	Contraceptive services not provided	Plan Information			
				Contact information for eligible organization	Type of organization (Non-profit or other)		Plan name		Plan type (Student Plan, Church Plan, Other)	Fully insured, self-insured or both?	Name of issuer (enter N/A if none)	
105	Redacted	7/26/2016	Litigation: ETBU 5th Circuit Court 4:12-CV-3009	East Texas Baptist University (employee)	Redacted		Yes	"abortion-inducing drugs ... and related services" NOT including contraceptives (compl. ¶ 28)	Redacted	Other	self-insured	Redacted
106				Houston Baptist			Yes					
107				Westminster			Yes				self-insured	
108		7/26/2016	Litigation: University of Dallas 5th Circuit Court 4:12-cv-314	Roman Catholic Diocese of Fort Worth* (Exempt)		Non-profit	Yes	"abortion-inducing drugs " sterilization and contraception		Church Plan	self-insured	
109				University of Dallas (employee)			Yes	"abortion-inducing drugs" and steri lization			self-insured	
110				University of Da las (student)		Yes	"abortion-inducing drugs " sterilization and contraception (prescribed to treat a medical condition only not to prevent pregnancy)		Student	Fully-insured		
111				Catholic Charities of Fort Worth		Yes	abortion-inducing drugs sterilization and contraception			Fully Insured		
112				Aquinas College Nashville			Yes	"abortion-inducing products " steri lization and contraception	Redacted		Fully Insured	
113				Camp Marymount, Inc.								
114		Catholic Charities of Tennessee										
115		The Catholic Diocese of Nashville* (Exempt)										
116		Dominican Sisters of St. Cecilia* (Exempt)										
117		Mary Queen of Angels										
118		St. Mary's Villa, Inc.										
119		7/26/2016	Litigation: MCC 6th Circuit Court 1:13-cv-01247-GIQ	Catholic Family Services (aka Catholic Charities of Kalamazoo)			Yes	contraception and steri lization			self-insured	
120				Michigan Catholic Conference* (Exempt)								
121		7/26/2016	Litigation: Catholic Charities of Ft. Wayne 7th Circuit Court 1:12-cv-00159-JD-RBC	Catholic Charities of Ft. Wayne			Yes	"abortion-inducing products " steri lization and contraception			Self-insured	
122				Diocese of Ft. Wayne* (Exempt)		Yes	"abortion-inducing products " steri lization and contraception			Self-insured		
123				Franciscan Alliance		Yes	"abortion-inducing products " steri lization and contraception			Both		
124				Our Sunday Visitor		Yes	"abortion-inducing products " steri lization and contraception			Self-insured		
125				Specialty Physicians of Illinois		Yes	"abortion-inducing products " steri lization and contraception			Fully-insured		
126				St. Anne Home		Yes	"abortion-inducing products " steri lization and contraception			Self-insured		
127				University of St. Francis			Yes	"abortion-inducing products " steri lization and contraception			Self-insured	

	M	N	O	P	Q	R	S	T	U	V	W
5	Service Provider Information					Action Taken					
6	Contact information for issuer (enter N/A if none)	Name of TPA (enter N/A if none)	Contact information for TPA (enter N/A if none)	Original information or updated information?	For updated information, date the information is effective	For updated information, summary of changes	For fully insured plans, date letter sent to issuer by HHS	For self-insured plan, date notification forwarded to DOL	For for-profit organizations, date letter sent to organization (see instruction #1 above)	Notes	
	Redacted	Redacted	Redacted	Original	N/A	Redacted					
105				Original	N/A						
106											
107											
				Original	N/A						
108											
				Original	N/A						
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				Original	N/A						
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				Original	N/A						
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114				Original	N/A						
115											
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118											
119	Original	N/A									
120											
121	Original	N/A									
122	Original	N/A									
				Original	N/A						
123				Original	N/A						
124											
				Original	N/A						
125				Original	N/A						
126				Original	N/A						
127											

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6	Tracking number	Date notification received	Received via mail or e-mail?	Name of eligible organization	Eligible Organization Information	Contact information for eligible organization	Type of organization (Non-profit or other)	Plaintiff in Litigation? (Yes or No) (See instruction #2 above)	Contraceptive services not provided	Plan name	Plan type (Student Plan, Church Plan, Other)	Fully insured, self-insured or both?	Name of issuer (enter N/A if none)
	Redacted			Biola University (employee)	Redacted			Yes	"abortion-inducing drugs like ella and Plan B" but not other contraceptives	Redacted		Fully Insured	Redacted
128		7/26/2016	Litigation: Grace Schools, 7th Circuit Court 3:12-cv-00459-JD-CAN	Biola University (student)				Yes	"abortion-inducing drugs like ella and Plan B" but not other contraceptives		Student	Fully Insured	
129				Grace Schools (employee)				Yes	"abortifacient drugs" but not all contraceptives			Self-insured	
130				Grace Schools (student)				Yes	"abortifacient drugs" but not all contraceptives		Student	Fully Insured	
131													
132		7/26/2016	Litigation: CNS 8th Circuit Court 2:12-cv-00092	CNS International Ministries (holding company for other listed plaintiffs: Sharpe Holdings Inc., Ozark Nat'l Life Ins. Co. and N.I.S. Financial Services Inc.)				Yes	Plan B ella Copper IUDs			Self-insured	
133				Heartland Christian College				Yes	Plan B ella Copper IUDs			Self-insured	
134		7/26/2016	Litigation: Dordt 8th Circuit Court 5:13-cv-04100	Cornerstone University				Yes	"post-coital" emergency contraceptives" such as "ella Plan B and IUDs"			Fully-insured	
135				Dordt College (employee)								Self-insured	
136				Dordt College (student)							Student	Fully-insured	
137		7/26/2016	Litigation: Little Sisters of the Poor Baltimore Inc. (Little Sisters of Baltimore") Appeal of No. 1:13-CV-02611 (D. Co.)	Little Sisters of the Poor Baltimore Inc. (Little Sisters of Baltimore")		Non-profit		Yes	"sterilization contraceptives and drugs that cause abortions." "contraceptives abortifacient drugs sterilizations and related education and counseling "			self-insured	
138				Little Sisters of the Poor Home for the Aged Denver Colorado ("Little Sisters of Denver")		Non-profit							
139		7/26/2016	Litigation: Reaching Souls	Reaching Souls				Yes	ella Plan B Plan B one-step Next Choice Copper IUDs IUDs w/Progestin		Church Plan	self-insured	
140				Truett-McConnell College									
141				Mid-America Christian					"contraceptives abortifacients [such as Plan B and ella] and related counseling to their employees and students."			self-insured	
142				Oklahoma Baptist (employee)								Fully-insured	
143				Oklahoma Baptist (student)							Student	Fully-insured	
144		7/26/2016	Litigation: Southern Nazarene 8th Circuit Court No. 14-6026 (10th Cir) appeal of No. 5:13 CV-01015-F (W.D. Okla.)	Oklahoma Wesleyan				Yes	Plan B ella and IUDs			Fully-insured	
145				Southern Nazarene University (employee)					"contraceptives abortifacients [such as Plan B and ella] and related counseling to their employees and students."			Partially self-insured. Insured for claims over \$100,000	

	M	N	O	P	Q	R	S	T	U	V	W	
5	Service Provider Information					Action Taken						
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	Redacted	Redacted	Redacted			Redacted						
128				Original	N/A							
129				Original	N/A							
130												
131				Original	N/A							
132				Original	N/A							
133				Original	N/A							
134				Original	N/A							
135				Original	N/A							
136				Original	N/A							
137				Original	N/A							
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139				Original	N/A							
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144				Original	N/A							
145												

5	A	B	C	D	E	F	G	H	I	J	K	L
6	Tracking number	Date notification received	Received via mail or e-mail?	Name of eligible organization	Eligible Organization Information	Type of organization (Non-profit or other)	Plaintiff in Litigation? (Yes or No) (See instruction #2 above)	Contraceptive services not provided	Plan name	Plan type (Student Plan, Church Plan, Other)	Fully insured, self-insured or both?	Name of issuer (enter N/A if none)
146	Redacted		Litigation: Priests for Life DC 1:13-cv-01261	Southern Nazarene University (student)	Redacted				Redacted	Student	Fully-insured	Redacted
147		7/26/2016		Priests for Life			Yes	"contraception sterilization [and] abortifacients"			Fully-insured	
148				Archdiocese of Washington (listed in complaint as "Roman Catholic Archbishop of Washington D.C." and as "Archdiocese of Washington")* (exempt)							self-insured	
149				Catholic Charities of the Archdiocese of Washington Inc.								
150				Catholic Information Center Inc.								
151				The Catholic University of America							Fully-insured	
152		7/26/2016	Litigation: RCAW DC 1:13-cv-01441	The Catholic University of America (student)			Yes	abortion-inducing products contraception or sterilization		Student	Fully-insured	
153				The Consortium of Catholic Academies of the Archdiocese of Washington D.C.								
154				Archbishop Carroll High School								
155				Don Bosco Cristo Rey High School of the Archdiocese of Washington D.C.								
156				Mary of Nazareth Roman Catholic Elementary School Inc.							self-insured	
157				Roman Catholic Archbishop of Washington								
158				Victory Housing Inc.								
159				Thomas Aquinas College								
160		7/26/2016	Litigation: Beckwith Electric 11th Circuit (M.D. FL) 8:16-cv-01944	Beckwith Electric Co. Inc.		Other	Yes	"emergency contraception " "abortifacients " "any drugs devices and services capable of ending innocent human life" (specifica ly lists Plan B ella and the IUD as examples of "abortifacients")		Other	self-insured	
161		7/26/2016	Litigation: Johnson Welded DC(DCC) 1:16-cv-00557	Johnson Welded Products Inc.		Other	Yes	"all of the contraceptive services required by the contraceptive services mandate"		Other	Not Indicated	
162		8/5/2016	Ma I	Society of the Precious Blood		Non-profit	No	All		Other	Fully insured	
163		9/1/2016	Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB	Catholic Charities of the Archdiocese of Philadelphia d/b/a Catholic Social Services		Non-profit	Yes	"a l of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes."		Church Plan	Self-insured	
164		9/1/2016	Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB	St. John's Orphan Asylum		Non-profit	Yes	"a l of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes."		Church Plan	Self-insured	

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Service Provider Information			Original information or updated information?	For updated information, date the information is effective	For updated information, summary of changes	For fully insured plans, date letter sent to issuer by JMS	For self-insured plans, date notification forwarded to DOL	Action taken	For for-profit organizations, date letter sent to organization (see instruction #5 above)	Notes	
6	Contact information for issuer (enter N/A if none)	Name of TPA (enter N/A if none)	Contact information for TPA (enter N/A if none)								
146	Redacted	Redacted	Redacted			Redacted					
147				Original	N/A						
148				Original	N/A						
149											
150											
151				Original	N/A						
152				Original	N/A						
153											
154											
155				Original	N/A						
156											
157											
158											
159				Original	N/A						
160				Original	N/A						
161											
162				Updated	7/1/2016						
163				Original	N/A						
164				Original	N/A						

Notifications

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					Eligible Organization Information					Plan Information		
6	Tracking number	Date notification received	Received via mail or e-mail?	Name of eligible organization	Contact information for eligible organization	Type of organization (Non-profit or other)	Plaintiff in Litigation? (Yes or No) (See instruction #2 above)	Contraceptive services not provided	Plan name	Plan type (Student Plan, Church Plan, Other)	Fully insured, self-insured or both?	Name of issuer (enter N/A if none)
	Redacted	9/1/2016	Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB	St. Edmond's Home for Crippled Children	Redacted	Non-profit	Yes	"a I of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes."	Redacted	Church Plan	Self-insured	Redacted
165												
		9/1/2016	Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB	Don Guanella Village of the Archdiocese of Philadelphia		Non-profit	Yes	"a I of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes."		Church Plan	Self-insured	
166												
		9/1/2016	Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB	Divine Providence Village		Non-profit	Yes	"a I of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes."		Church Plan	Self-insured	
167												
		9/1/2016	Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB	Philadelphia Protector for Boys d/b/a St. Gabriel's System		Non-profit	Yes	"a I of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes."		Church Plan	Self-insured	
168												
		9/1/2016	Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB	Catholic Community Services Inc.		Non-profit	Yes	"a I of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes."		Church Plan	Self-insured	
169												
		9/1/2016	Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB	Nutritional Development Services Inc.		Non-profit	Yes	"a I of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes."		Church Plan	Self-insured	
170												
		9/1/2016	Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB	Catholic Health Care Services - Supportive Independent Living d/b/a Villa St. Martha and Community Based Services		Non-profit	Yes	"a I of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes."		Church Plan	Self-insured	
171												
		9/1/2016	Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB	St. John Vianney Center		Non-profit	Yes	"a I of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes."		Church Plan	Self-insured	
172												
		9/1/2016	Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB	Catholic Clinical Consultants		Non-profit	Yes	"a I of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes."		Church Plan	Self-insured	
173												
		9/1/2016	Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB	Roman Catholic Archdiocese of Philadelphia		Non-profit	Yes	"a I of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes."		Church Plan	Self-insured	
174												
		9/15/2015	Litigation: Diocese of Cheyenne 10th Circuit court 14-8040	Diocese of Cheyenne		Non-profit	Yes	"to providing procuring or facilitating access to abortion-inducing products abortion sterilization or contraceptives" except when "prescribed with the intent of treating a medical condition not with the intent to prevent pregnancy or to induce abortion."		Church Plan	Self-insured	
175												
		9/15/2015	Litigation: Diocese of Cheyenne 10th Circuit court 14-8040	Catholic Charities of Wyoming		Non-profit	Yes	"to providing procuring or facilitating access to abortion-inducing products abortion sterilization or contraceptives" except when "prescribed with the intent of treating a medical condition not with the intent to prevent pregnancy or to induce abortion."		Church Plan	Self-insured	
176												
		9/15/2015	Litigation: Diocese of Cheyenne 10th Circuit court 14-8040	Saint Joseph's Children's Home		Non-profit	Yes	"to providing procuring or facilitating access to abortion-inducing products abortion sterilization or contraceptives" except when "prescribed with the intent of treating a medical condition not with the intent to prevent pregnancy or to induce abortion."		Church Plan	Self-insured	
177												

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5	Service Provider Information																					
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	Redacted	Redacted	Redacted	Original	N/A	Redacted																
165				Original	N/A																	
166				Original	N/A																	
167				Original	N/A																	
168				Original	N/A																	
169				Original	N/A																	
170				Original	N/A																	
171				Original	N/A																	
172				Original	N/A																	
173				Original	N/A																	
174				Original	N/A																	
175				Original	N/A																	
176				Original	N/A																	
177				Original	N/A																	

5	A	B	C	D	E	F	G	H	I	J	K	L
6	Tracking number	Date notification received	Received via mail or e-mail?	Name of eligible organization	Eligible Organization Information	Type of organization (Non-profit or other)	Plaintiff in Litigation? (Yes or No) (See Instruction #2 above)	Contraceptive services not provided	Plan name	Plan type (Student Plan, Church Plan, Other)	Fully insured, self-insured or both?	Name of issuer (enter N/A if none)
178	Redacted	9/15/2015	Litigation: Diocese of Cheyenne 10th Circuit court 14-8040	St. Anthony Tri-Parish Catholic School	Redacted	Non-profit	Yes	"to providing procuring or facilitating access to abortion-inducing products abortion sterilization or contraceptives" except when "prescribed with the intent of treating a medical condition not with the intent to prevent pregnancy or to induce abortion."	Redacted	Church Plan	Self-insured	Redacted
179		9/15/2015	Litigation: Diocese of Cheyenne 10th Circuit court 14-8040	Wyoming Catholic College		Non-profit	Yes	"abortion-inducing products or sterilization" except "contraceptives only when prescribed with the intent of treating a medical condition not with the intent to prevent pregnancy."		Church Plan	self-insured	
180		9/15/2015	Litigation: Colorado Christian University 10th Circuit Court 14-1329	Colorado Christian University (employee)		Non-profit	Yes	"coverage for a l services drugs and devices that could terminate human life from the moment of conception including medical abortions emergency contraceptives l ke Plan B and Ella and IUDs" and "other contraceptives."		Other	self-insured	
181		9/15/2015	Litigation: Colorado Christian University 10th Circuit Court 14-1330	Colorado Christian University (student)		Non-profit	Yes	"coverage for abortions and all contraceptives including emergency contraceptives and IUDs."		Student	Fully Insured	
182		9/15/2015	Litigation: Dobson 10th Circuit Court 14-1233	Family Talk		Non-profit	Yes	"abortion-inducing or implantation-preventing drugs abortifacient items and related education and counseling specifically IUDs and 'emergency contraception' such as Plan B and Ella" and "any counseling or referrals to promote or refer for ... such abortion-inducing drugs and IUDs"		Other	Partially Self-insured with a stop-loss provider and a third-party administrator	
183		9/15/2015	Litigation: Ass'n of Christian Schools Int'l v. Burwell 10th Circuit Court No. 14-1492	Association of Christian Schools International (employee)		Non-profit	Yes	"the procurement of participation in facilitation of or payment for abortion (including abortion-causing drugs and devices like Plan B ella and IUDs)"		Other	self-insured	
184		9/15/2015	Litigation: Ass'n of Christian Schools Int'l v. Burwell 10th Circuit Court No. 14-1492	Samaritan Ministries International (employee)		Non-profit	Yes	"the procurement of participation in facilitation of or payment for abortion (including abortion-causing drugs and devices like Plan B ella and IUDs)"		Other	self-insured	
185		9/15/2015	Litigation: Ass'n of Christian Schools Int'l v. Burwell 10th Circuit Court No. 14-1492	Taylor University (employee)		Non-profit	Yes	"the procurement of participation in facilitation of or payment for abortion (including abortion-causing drugs and devices like Plan B ella and IUDs)"		Other	self-insured	
186		9/15/2015	Litigation: Ass'n of Christian Schools Int'l v. Burwell 10th Circuit Court No. 14-1492	Indiana Wesleyan University		Non-profit	Yes	"the procurement of participation in facilitation of or payment for abortion (including abortion-causing drugs and devices like Plan B ella and IUDs)"		Other	self-insured	
187		9/15/2015	Litigation: Ass'n of Christian Schools Int'l v. Burwell 10th Circuit Court No. 14-1492	Asbury Theological Seminary		Non-profit	Yes	"the procurement of participation in facilitation of or payment for abortion (including abortion-causing drugs and devices like Plan B ella and IUDs)"		Other	self-insured	
188		9/15/2015	Litigation: Ass'n of Christian Schools Int'l v. Burwell 10th Circuit Court No. 14-1492	Alliance Defending Freedom		Non-profit	Yes	"emergency contraceptive medications hormonal contraceptive medications and devices and implanted contraceptive devices or related counseling or referrals to promote the use of such items"		Other	self-insured	
189		9/20/2016	Litigation: Catholic Benefits Ass'n LCA v. Burwell 10th Circuit Court Nos. 14-6163 14-6171	Good Will Publishers Inc.		Other	Yes	"contraception abortion-inducing drugs or devices sterilization and related counseling"		Other	Fully-insured	
190		9/20/2016	Litigation: Catholic Benefits Ass'n LCA v. Burwell 10th Circuit Court Nos. 14-6163 14-6171	Catholic Charities of the Archdiocese of Oklahoma City		Non-profit	Yes	"contraception abortion-inducing drugs or devices sterilization and related counseling"		likely church plan but never alleged	self-insured	
191		9/20/2016	Litigation: Catholic Benefits Ass'n LCA v. Burwell 10th Circuit Court Nos. 14-6163 14-6171	All Saints Catholic School		Non-profit	Yes	"contraception abortion-inducing drugs or devices sterilization and related counseling"		likely church plan but never alleged	self-insured	

5	M	N	O	P	Q	R	S	T	U	V	W
6	Service Provider Information			Original information or updated information?	For updated information, date the information is effective	For updated information, summary of changes	For fully insured plans, date letter sent to issuer by HHS	For self-insured plan, date notification forwarded to DOL	Action Taken	Notes	
	Contact information for issuer (enter N/A if none)	Name of TPA (enter N/A if none)	Contact information for TPA (enter N/A if none)						For for-profit organizations, date letter sent to organization (see instruction #1 above)		
178	Redacted	Redacted	Redacted	Original	N/A	Redacted					
179				Original	N/A						
180				Original	N/A						
181				Original	N/A						
182				Original	N/A						
183				Original	N/A						
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186				Original	N/A						
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189				Original	N/A						
190				Original	N/A						
191				Original	N/A						

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					Eligible Organization Information					Plan Information		
		Date notification received	Received via mail or e-mail?	Name of eligible organization	Contact information for eligible organization	Type of organization (Non-profit or other)	Plaintiff in Litigation? (Yes or No) (See instruction #2 above)	Contraceptive services not provided	Plan name	Plan type (Student Plan, Church Plan, Other)	Fully insured, self-insured or both?	Name of issuer (enter N/A if none)
6	Tracking number											
	Redacted	9/20/2016	Litigation: Catholic Benefits Ass'n LCA v. Burwell 10th Circuit Court Nos. 14-6163 14-6171	The Cathedral Foundation d/b/a Catholic Review Media	Redacted	Non-profit	Yes	"contraception abortion-inducing drugs or devices sterilization and related counseling"	Redacted	likely church plan but never alleged	self-insured	Redacted
19												
		9/20/2016	Litigation: Catholic Benefits Ass'n LCA v. Burwell 10th Circuit Court Nos. 14-6163 14-6171	Vi la St. Francis Catholic Care Center Inc.		Non-profit	Yes	"contraception abortion-inducing drugs or devices sterilization and related counseling"		Other	Fully-insured	
19												
		10/6/2016	Litigation: Roman Catholic Archdiocese of Atlanta et al. v. Secretary U.S. Dep't of Health & Human Servs et al Nos. 14-12890 14-13239	THE ROMAN CATHOLIC ARCHDIOCESE OF ATLANTA, an association of churches and schools		Non-profit	Yes	"abortion-inducing products contraception steri zation and related course ing" "unless they are necessary for medica ly diagnosed conditions unrelated to contraception."		Church Plan	self-insured	
19												
		10/6/2016	Litigation: Roman Catholic Archdiocese of Atlanta et al. v. Secretary U.S. Dep't of Health & Human Servs et al Nos. 14-12890 14-13240	THE MOST REVEREND WILTON D GREGORY and his successors Archbishop of the Roman Catholic Archdiocese of Atlanta		Non-profit	Yes	"abortion-inducing products contraception steri zation and related course ing" "unless they are necessary for medica ly diagnosed conditions unrelated to contraception."		Church Plan	self-insured	
19												
		10/6/2016	Litigation: Roman Catholic Archdiocese of Atlanta et al. v. Secretary U.S. Dep't of Health & Human Servs et al Nos. 14-12890 14-13241	CATHOLIC CHARITIES OF THE ARCHDIOCESE OF ATLANTA INC. a Georgia non-profit corporation		Non-profit	Yes	"abortion-inducing products contraception steri zation and related course ing" "unless they are necessary for medica ly diagnosed conditions unrelated to contraception."		Church Plan	Self-insured	
19												
		10/6/2016	Litigation: Roman Catholic Archdiocese of Atlanta et al. v. Secretary U.S. Dep't of Health & Human Servs et al Nos. 14-12890 14-13242	Catho ic Education of North Georgia Inc. (CENG)		Other	Yes	"abortion-inducing products contraception steri zation and related course ing" "unless they are necessary for medica ly diagnosed conditions unrelated to contraception."		Church Plan	Self-insured	
19												
		10/6/2016	Litigation: Roman Catholic Archdiocese of Atlanta et al. v. Secretary U.S. Dep't of Health & Human Servs et al Nos. 14-12890 14-13243	THE ROMAN CATHOLIC DIOCESE OF SAVANNAH an ecclesiastical territory		Non-profit	Yes	"abortion-inducing products contraception steri zation and related course ing" "unless they are necessary for medica ly diagnosed conditions unrelated to contraception."		Church Plan	Self-insured	
19												
		10/6/2016	Litigation: Roman Catholic Archdiocese of Atlanta et al. v. Secretary U.S. Dep't of Health & Human Servs et al Nos. 14-12890 14-13244	THE MOST REVEREND JOHN HARTMAYER and his successors Bishop of The Roman Catholic Diocese of Savannah et al.		Non-profit	Yes	"abortion-inducing products contraception steri zation and related course ing" "unless they are necessary for medica ly diagnosed conditions unrelated to contraception."		Church Plan	Self-insured	
19												
		10/6/2016	Eternal Word Television Network v. Burwell No. 14-12696	Eternal Word Television Network Inc.		Non-profit	Yes	"artificial contraception steri zation or abortion or related education and counseling."		other	Self-insured	
20												
		11/ /2016	Email/mail	Blick Group Inc.		Other	Yes	"all contraceptive services"		Other	Fully-insured	
20												
		11/9/2016	Email	The Energy Lab INC		Other	No	All		Other	Fully-insured	
20												
		11/2 /2016	Email	Marian University		Non-profit	No	All		Church Plan	self-insured	
20												

	M	N	O	P	Q	R	S	T	U	V	W	
5	Service Provider Information					Action Taken						
6	Contact information for issuer (enter N/A if none)	Name of TPA (enter N/A if none)	Contact information for TPA (enter N/A if none)	Original information or updated information?	For updated information, date the information is effective	For updated information, summary of changes	For fully insured plans, date letter sent to issuer by HHS	For self-insured plan, date notification forwarded to DOL	For for-profit organizations, date letter sent to organization (see instruction #1 above)	Notes		
	Redacted	Redacted	Redacted	Original	N/A	Redacted						
192				Original	N/A							
193				Original	N/A							
194				Original	N/A							
195				Original	N/A							
196				Original	N/A							
197				Original	N/A							
198				Original	N/A							
199				Original	N/A							
200				Original	N/A							
201				Original	N/A							
202				Original	N/A							
203				Original	N/A							

S	A	B	C	D	E	F	G	H	I	J	K	L
6	Tracking number	Date notification received	Received via mail or e-mail?	Name of eligible organization	Contact information for eligible organization	Type of organization (Non-profit or other)	Plaintiff in Litigation? (Yes or No) (See instruction #2 above)	Contraceptive services not provided	Plan name	Plan type (Student Plan, Church Plan, Other)	Fully insured, self-insured or both?	Name of issuer (enter N/A if none)
204	Redacted	11/29/2016	Litigation: Louisiana College v. Burwell et al. No. 14-31167	Louisiana College	Redacted	Non-profit	Yes	Objects to providing: RU-486; Plan B; ella; "counseling regarding the use of abortifacients like ella and Plan B;" and any "drugs, devices, services or procedures contrary to its faith." Sec. Am. Compl. Dist. Ct. Dkt 77 at ¶¶ 27-33 "While excluding abortifacients like ella and Plan B LC's employee health plan does cover contraceptives that prevent ovulation." Sec. Am. Compl. Dist. Ct. Dkt 77 at ¶ 37	Redacted	Church Plan	self-insured	Redacted
205		4/2 /2017	Ms I	Continuum Health Partnerships Inc.		Other	No	Abortion causing drugs, devices and sterilizations; patient education and counseling for all women with reproductive capacity.		Other	self-insured	
206				Continuum Health Management LLC								
207				Mountain States Health Properties LLC								
208												
209												

Notifications

	M	N	O	P	Q	R	S	T	U	V	W
S	Service Provider Information										
E	Contact information for issuer (enter N/A if none)	Name of TPA (enter N/A if none)	Contact information for TPA (enter N/A if none)	Original information or updated information?	For updated information, date the information is effective	For updated information, summary of changes	For fully insured plans, date letter sent to issuer by ISS	For self-insured plans, date notification forwarded to DOL	Action taken For for-profit organizations, date letter sent to organization (see instruction #5 above)	Notes	
	Redacted	Redacted	Redacted	Original	N/A	Redacted					
204											
205				Updated	4/1/2017						
206											
207											
208											
209											

Notifications

Redacted



Exhibit B

TABLE 1

**Number of Women with Employer-Sponsored Insurance
Who Are Income-Eligible for State-Funded Contraceptive Coverage¹**

<u>State</u>	<u>Insured, Income-Eligible Women Between the Ages of 15 and 45²</u>	<u>Percent of Enrollees Covered Under a Self- Funded Plan³</u>	<u>Insured, Income-Eligible Women Between the Ages of 15 and 45 in Self- Funded Plans⁴</u>
California	1,415,247	41.6%	588,743
Connecticut	151,198	59.3%	89,660
Delaware	45,491	68.3%	31,070
Dist. Of Columbia	27,375	49.8%	11,641
Hawaii	88,650	37.6%	33,332
Illinois	612,778	63.3%	387,888
Iowa	221,138	57.4%	126,933
Maine	45,678	57.7%	26,356
Maryland	277,509	49.6%	137,644
Massachusetts	365,762	56.6%	207,021
Michigan	519,728	61.4%	319,113
Minnesota	183,765	N/A	183,765
Nevada	78,575	47.5%	37,323
New Jersey	380,913	55.1%	209,883
New Mexico	84,771	69.1%	58,577
New York	811,392	53.9%	437,340
North Carolina	380,983	62.5%	298,579
Oregon	188,570	53.7%	101,262
Pennsylvania	580,295	N/A	580,295
Rhode Island	54,512	47.9%	26,111
Vermont	23,575	60.2%	14,192
Virginia	318,424	N/A	318,424
Washington	317,669	57.4%	182,342
Total	7,173,998	-	4,407,494

¹ The Tables include both *Amici* States and States that are plaintiffs in litigation concerning the Rules. The numbers provided are derived from the Interactive Public Use Microdata Series (<https://usa.ipums.org/usa/>) which provides detailed data from the U.S. Census Bureau's American Community Survey (2015), the State Health Access Data Assistance Center, and the Agency for Healthcare Research and Quality ("ARHQ Database"). Each person is assigned to a household health insurance unit ("HIU"). The incomes of all members of the same HIU are summed and divided by the FPL for the relevant household size to generate the income of the HIU as a percentage of the FPL. For Column 2, the number reflects women who: (a) are between the ages of 15 and 45; (b) have employer/union provided health insurance; and (c) have HIU income under the relevant percent of the FPL to qualify for that State's program. That initial estimate is further refined (Column 4) based on the percentage of enrollees in self-insured employer plans in each State (Column 3), provided that the State has a contraceptive equity law. We recognize that other data sources and methodologies may achieve different results. Whatever the precise calculations, however, the ultimate conclusion—that millions of women with employer-sponsored insurance are income-eligible for state-funded programs—remains accurate.

² For each State on the list, the following is the FPL eligibility threshold for a broadly applicable program that is at least partially state funded: California—200%; Connecticut—263%; Delaware—250%; District of Columbia—215%; Hawaii—250%; Illinois—250%; Iowa—300%; Maine—214%; Maryland—250%; Massachusetts—300%; Michigan—250%; Minnesota—200%; Nevada—138%; New Jersey—250%; New Mexico—250%; New York—223%; North Carolina—200%; Oregon—250%; Pennsylvania—220%; Rhode Island—250%; Vermont—200%; Virginia—200%; Washington—260%. States may have programs that have higher FPL eligibility thresholds, including programs that are available to a narrower class of residents, for example the Children's Health Insurance Program ("CHIP") which extends eligibility above 300% FPL for women under the age of 19 in many States. *See* Kaiser Family Foundation, "Fact Sheet: Where Are States Today? Medicaid and CHIP Eligibility Levels for Children, Pregnant Women, and Adults," (2018), <http://files.kff.org/attachment/Fact-Sheet-Where-are-States-Today-Medicaid-and-CHIP-Eligibility-Levels-for-Children-Pregnant-Women-and-Adults>.

³ The percentage of self-insured plans is taken from: U.S. Dept. of Health & Human Services, Medical Expenditure Panel Survey, *Percent of private-sector enrollees that are enrolled in self-insured plans at establishments that offer health insurance by firm size and State: United States, 2016*, https://meps.ahrq.gov/data_stats/summ_tables/insr/state/series_2/2016/tiib2b1.pdf ("ARHQ Database"). In many cases, the ARHQ Database provides significantly lower self-insured coverage rates than other sources. Consistent with other efforts, we have used the figures provided by the Database to provide a conservative estimate.

⁴ All of the listed States, except Minnesota, Pennsylvania and Virginia have contraceptive equity laws that generally require state-regulated plans to cover all FDA-approved forms of contraception.

TABLE 2**Number of Women with Employer-Sponsored Insurance Who Are Income Eligible for Medicaid as Secondary Payer for Contraceptive Services⁵**

<u>State</u>	<u>Insured, Income-Eligible Women Between the Ages of 15 and 45⁶</u>	<u>Percent of Enrollees Covered Under a Self-Funded Plan</u>	<u>Insured, Income-Eligible Women Between the Ages of 15 and 45 in Self-Funded Plans</u>
Connecticut	85,157	59.3%	50,498
Delaware	25,163	68.3%	17,186
Dist. Of Columbia	27,375	49.8%	11,641
Hawaii	44,278	37.6%	16,649
Illinois	340,905	63.3%	215,793
Maryland	168,016	49.6%	83,336
Massachusetts	195,584	56.6%	110,701
Minnesota	127,349	N/A	127,349
New Mexico	43,566	69.1%	30,104
Oregon	99,246	53.7%	53,295
Pennsylvania	376,451	N/A	376,451
Rhode Island	32,695	47.9%	15,661
Vermont	18,613	60.2%	11,205
Washington	160,796	57.4%	92,297
Total	1,745,194	-	1,212,166

⁵ The Medicaid program serves as a secondary payer for contraceptive services in each of the States listed in Table 2.

⁶ For all States listed in this table, the relevant Medicaid FPL used to calculate the figures is 138%, except the District of Columbia (215%).