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16
17 **IN THE UNITED STATES DISTRICT COURT**
18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

19
20 **OAKLAND DIVISION**

21
22 STATE OF CALIFORNIA, *et al.*,

23
24 Plaintiffs,

25 vs.

26
27 ALEX M. AZAR, Secretary of the U.S.
28 Department of Health and Human
Services, *et al.*,

29 Defendants,
30 and,

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

34
35 Defendant-Intervenors.

36
37 Case No.: 4:17-cv-5783-HSG

38
39 **AMICI CURIAE BRIEF OF**
40 **MASSACHUSETTS, IOWA, MAINE,**
41 **MICHIGAN, NEVADA, NEW JERSEY,**
42 **NEW MEXICO, PENNSYLVANIA, AND**
43 **OREGON IN SUPPORT OF**
44 **PLAINTIFFS' MOTION FOR A**
45 **PRELIMINARY INJUNCTION**

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1 **TABLE OF AUTHORITIES**
2**Cases**

| | |
|--|------------|
| 3 <i>Alfred L. Snapp & Sons, Inc. v. Puerto Rico,</i> 4 458 U.S. 592 (1982) | 19 |
| 5 <i>Bresgal v. Brock,</i> 6 843 F.2d 1163 (9th Cir. 1987) | 17 |
| 7 <i>Califano v. Yamasaki,</i> 8 442 U.S. 682 (1979) | 19 |
| 9 <i>California v. Azar,</i> 10 --- F.3d ---, 2018 WL 6566752 (9th Cir. Dec. 13, 2018) | 3, 11, 17 |
| 11 <i>Earth Island Inst. v. Ruthenbeck,</i> 12 490 F.3d 687 (9th Cir. 2007) | 17 |
| 13 <i>Hawaii v. Trump,</i> 14 859 F.3d 741 (9th Cir. 2017) | 17, 18, 19 |
| 15 <i>Hecht Co. v. Bowles,</i> 16 321 U.S. 321, 329-30 (1944) | 16-17 |
| 17 <i>Kansas v. Nebraska,</i> 18 135 S. Ct. 1042 (2015) | 17 |
| 19 <i>Madsen v. Women's Health Ctr. Inc.,</i> 20 512 U.S. 753 (1994) | 19 |
| 21 <i>Nat'l Mining Ass'n v. U.S. Army Corps of Eng'rs,</i> 22 145 F.3d 1399 (D.C. Cir. 1998) | 18 |
| 23 <i>Paulsen v. Daniels,</i> 24 413 F.3d 999 (9th Cir. 2005) | 17, 18 |
| 25 <i>Pennsylvania v. Trump,</i> 26 281 F. Supp. 3d 553 (E.D. Pa. 2017) | 3 |
| 27 <i>Porter v. Warner Holding Co.,</i> 28 328 U.S. 395 (1946) | 17 |

| | | |
|----|--|----|
| 1 | <i>S.E.C. v. Wencke</i> , 622 F.2d 1363 (9th Cir. 1980) | 17 |
| 2 | | |
| 3 | <i>Town of Chester v. Laroe Estates, Inc.</i> , 137 S. Ct. 1645 (2017) | 16 |
| 4 | | |
| 5 | <i>Trump v. Int'l Refugee Assistance Project</i> , 137 S. Ct. 2080 (2017) | 17 |
| 6 | | |
| 7 | <i>United States v. Oakland Cannabis Buyers' Co-op.</i> , 532 U.S. 483 (2001) | 16 |
| 8 | | |
| 9 | <i>United States v. Schiff</i> , 379 F.3d 621 (9th Cir. 2004) | 17 |
| 10 | | |
| 11 | <i>U.S. Philips Corp. v. KBC Bank N.V.</i> , 590 F.3d 1091 (9th Cir. 2010) | 20 |
| 12 | | |

Statutes and Regulations

| | | |
|----|---|---------------|
| 14 | Administrative Procedure Act, 5 U.S.C. § 706(2) | 18 |
| 15 | | |
| 16 | 80 Fed. Reg. 41318 (July 14, 2015) | 6 |
| 17 | | |
| 18 | 82 Fed. Reg. 47792 (Oct. 13, 2017) | <i>passim</i> |
| 19 | | |
| 20 | 83 Fed. Reg. 2642 (Jan. 18, 2018) | 11 |
| 21 | | |
| 22 | <i>Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act</i> , 83 Fed. Reg. 57536 (Nov. 15, 2018) | <i>passim</i> |
| 23 | | |
| 24 | <i>Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act</i> , 83 Fed. Reg. 57592 (Nov. 15, 2018) | <i>passim</i> |
| 25 | | |
| 26 | 130 Code Mass. Regs. 450.317 | 13 |
| 27 | | |

Miscellaneous

| | | |
|----|--|----|
| 26 | A. Sonfield et al., <i>Public Costs from Unintended Pregnancies and the Role of Public Insurance Programs in Paying for Pregnancy-Related Care: National and State Estimates for 2010</i> , Guttmacher Institute (Feb. 2015) | 13 |
| 27 | | |

| | | |
|----|--|----|
| 1 | A. Swanson & J. O'Connell, <i>What the U.S. Map Should Really Look Like</i> , Wash. Post (Dec. 12, 2016) | 14 |
| 2 | | |
| 3 | G. Nelson & A. Rae, <i>An Economic Geography of the United States: From Commutes to Megaregions</i> , PLOS One (Nov. 30, 2016) | 14 |
| 4 | | |
| 5 | 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) | 15 |
| 6 | | |
| 7 | Guttmacher Institute, <i>Medicaid Family Planning Eligibility Expansions</i> (May 2018)..... | 11 |
| 8 | | |
| 9 | Institute of Medicine, CLINICAL PREVENTIVE SERVICES FOR WOMEN: CLOSING THE GAPS 51 (2011) | 7 |
| 10 | | |
| 11 | Kaiser Family Foundation, "Employer Health Benefits, 2018 Annual Survey," 103 (2018) .. | 13 |
| 12 | | |
| 13 | Nat'l Ctr. for Education Statistics, "Residence and Migration of All First-Time Degree/Certificate-Seeking Undergraduates," Digest of Education Statistics (2017) | 15 |
| 14 | | |
| 15 | 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 (June 2012) | 15 |
| 16 | | |
| 17 | U.S. Census Bureau, <i>Out-of-State and Long Commutes: 2011</i> , American Community Survey Reports (Feb. 2013) | 14 |
| 18 | | |
| 19 | U.S. Dept. of Labor, Bureau of Labor Statistics, "24 percent of employed people did some or all of their work at home in 2015," The Economics Daily (July 8, 2016) | 14 |
| 20 | | |
| 21 | | |
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1 INTRODUCTION AND INTERESTS OF *AMICI* STATES

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

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

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

1 anywhere in the United States.

2 **SUMMARY OF THE ARGUMENT**

3 Through this case, the States of California, Connecticut, Delaware, Hawaii, Illinois,
 4 Maryland, Minnesota, New York, North Carolina, Rhode Island, Vermont, and Washington, as
 5 well as the Commonwealth of Virginia and the District of Columbia (the “Plaintiff States”) seek
 6 to protect themselves, other States, and women across the country from the harms that will
 7 result from Defendants’ attempt to nullify provisions of the ACA that guarantee women equal
 8 access to preventive medical care—specifically contraceptive care and services. Defendants
 9 have issued two Final Rules (the “Rules”) that authorize employers with religious or moral
 10 objections to contraception to block employees, students, and their dependents from receiving
 11 contraceptive coverage. *See Religious Exemptions and Accommodations for Coverage of*
 12 *Certain Preventive Services Under the Affordable Care Act*, 83 Fed. Reg. 57536 (Nov. 15,
 13 2018); *Moral Exemptions and Accommodations for Coverage of Certain Preventive Services*
 14 *Under the Affordable Care Act*, 83 Fed. Reg. 57592 (Nov. 15, 2018).

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

21 Because the Rules will injure women and States across the country, this Court should
 22 enjoin implementation of the Rules on a nationwide basis. When, as here, federal regulatory
 23 action is unlawful, courts typically invalidate the action in its entirety. That relief is especially
 24

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

5 ARGUMENT

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

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

1 Defendants have now determined that far *more* women will be harmed by the Final Rules than
 2 they had previously estimated. *See* 83 Fed. Reg. 57578-80. Building off of that admission and
 3 the Ninth Circuit’s conclusion that the Plaintiff States had standing to challenge the IFRs, this
 4 brief will highlight the breadth of the injury to women and States nationwide.
 5

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

8 Across the country, the Final Rules will result in hundreds of thousands of employees
 9 and students, as well as their dependents, losing the comprehensive contraceptive coverage
 10 guaranteed by the ACA. That loss, in turn, will impose direct financial harm on the States.
 11 Many women who lose contraceptive coverage as a result of the Rules will obtain replacement
 12 care and services through state-funded programs. Others, who are not able to obtain
 13 replacement coverage, may experience unintended pregnancies that impose additional costs on
 14 States.
 15

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

18 According to Defendants’ Regulatory Impact Analysis for the Final Rules (hereinafter
 19 “the RIA”),¹ approximately three million people receive health insurance through employers
 20 and universities that have already asserted religious objections to providing coverage for
 21 contraceptive care and services under the ACA. *See* 83 Fed. Reg. 57575-78. Even more people
 22 receive insurance through employers that will be newly eligible for the expanded religious and
 23

24
 25
 26 ¹ The RIA is Defendants’ official, legally mandated explanation of the Rules’ anticipated
 27 costs, benefits, and broader effects. *See* 83 Fed. Reg. 57573. The RIAs contained in the Final
 28 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 Out of these millions, Defendants estimate that between 70,515 (“lower bound
 6 estimate”) and 126,400 (“upper bound estimate”) women will lose employer-based coverage
 7 for their chosen method of contraception if the Final Rules go into effect.² *See* 83 Fed. Reg.
 8 57578, 57580, 57627-28. These figures offer a conservative snapshot of the Rules’ direct and
 9 immediate effects. The actual number of women affected is likely to be significantly higher.³

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

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

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

1 are covered by injunctions exempting them from the contraceptive mandate, 83 Fed. Reg.
 2 57575-76, 82 Fed. Reg. 47818; and that some employers who choose to use the expanded
 3 exemptions will object to covering only a few contraceptive methods, 83 Fed. Reg. 57581, 82
 4 Fed. Reg. 47823.

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

8 **2. The Rules Will Have a Nationwide Impact.**

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

15 The Administrative Record itself demonstrates the Rules' nationwide impact. It
 16 identifies litigating and accommodated employers and universities that have already raised
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 22 The contraceptive equity laws that exist in some States may mitigate, but will not
 23 eliminate, the harm caused by the Rules. With respect to the lower bound estimate,
 24 Defendants expect that approximately 63% of women who work for accommodated
 25 employers and who lose coverage because of the Rules will be covered by self-funded
 26 employer-based plans exempt from State regulation due to preemption by the Employee
 27 Retirement and Income Security Act. *See* 83 Fed. Reg. 57577. State contraceptive equity
 28 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.

1 religious objections to providing contraceptive coverage under the ACA. *See Exhibit A.*⁷ And
 2 it specifically identifies the litigating employers and universities that Defendants expect will
 3 use the expanded religious exemption created by the Rules. *See id.* These litigating employers
 4 and universities, as demonstrated in the following chart,⁸ are located in nearly every State in
 5 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
 22 women likely to be affected by the Rules in the RIA. The spreadsheets were included in the
 23 Administrative Record filed in the District Court, at Exhibits 55 and 82, pp. 669264-70 and
 24 670107-33. The RIA estimates that “6,400 women of childbearing age that use contraception
 25 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.

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|----|----------------|--|
| 1 | Illinois | Hobby Lobby Stores, Inc.; Samaritan Ministries International; Tyndale House Publishers, Inc.; Franciscan Alliance; Wheaton College |
| 2 | 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 |
| 3 | Iowa | Hobby Lobby Stores, Inc.; Dordt College |
| 4 | Kansas | Hobby Lobby Stores, Inc.; Mardel; Sealco LLC; Villa St. Francis Catholic Care Center; Randy Reed Automotive, Inc. |
| 5 | Kentucky | Hobby Lobby Stores, Inc.; Asbury Theological Seminary; Encompass Develop Design and Construct LLC; The C.W. Zumbiel Co. |
| 6 | Louisiana | Hobby Lobby Stores, Inc.; Mardel |
| 7 | Maine | Hobby Lobby Stores, Inc. |
| 8 | Maryland | Hobby Lobby Stores, Inc.; Global Pump Co.; Mersino Management Co. |
| 9 | Massachusetts | Hobby Lobby Stores, Inc.; Autocam Medical |
| 10 | Michigan | Hobby Lobby Stores, Inc.; Autocam Medical; Midwest Fastener Corp.; Mersino Management Co. |
| 11 | 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 |
| 12 | Mississippi | Hobby Lobby Stores, Inc.; American Family Association |
| 13 | Missouri | Hobby Lobby Stores, Inc.; Mardel; Sharpe Holdings, Inc.; Sioux Chief Mfg. Co., Inc. |
| 14 | Montana | Hobby Lobby Stores, Inc. |
| 15 | Nebraska | Hobby Lobby Stores, Inc.; Mersino Management Co. |
| 16 | Nevada | Hobby Lobby Stores, Inc. |
| 17 | New Hampshire | Hobby Lobby Stores, Inc. |
| 18 | New Jersey | Hobby Lobby Stores, Inc. |
| 19 | New Mexico | Hobby Lobby Stores, Inc. |
| 20 | New York | Hobby Lobby Stores, Inc. |
| 21 | North Carolina | Hobby Lobby Stores, Inc.; Conestoga Wood Specialties Corp. |
| 22 | North Dakota | Hobby Lobby Stores, Inc.; Trinity Bible College; Treasure Island Coins |
| 23 | 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. |
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|----|----------------|---|
| 1 | Oklahoma | Hobby Lobby Stores, Inc.; Mardel; Southern Nazarene University; Oklahoma Wesleyan University; Oklahoma Baptist University; Korte & Luitjohan Contractors, Inc. |
| 2 | Oregon | Hobby Lobby Stores, Inc. |
| 3 | 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 |
| 4 | Rhode Island | Hobby Lobby Stores, Inc. |
| 5 | South Carolina | Hobby Lobby Stores, Inc.; Electrolock Inc. |
| 6 | South Dakota | Hobby Lobby Stores, Inc. |
| 7 | Tennessee | Hobby Lobby Stores, Inc.; Autocam Medical; Union University |
| 8 | 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. |
| 9 | Utah | Hobby Lobby Stores, Inc.; Cherry Creek Mortgage Co. |
| 10 | Vermont | Hobby Lobby Stores, Inc. |
| 11 | Virginia | Hobby Lobby Stores, Inc.; Media Research Center; Trijicon, Inc. |
| 12 | Washington | Hobby Lobby Stores, Inc.; Conestoga Wood Specialties Corp. |
| 13 | West Virginia | Hobby Lobby Stores, Inc. |
| 14 | Wisconsin | Hobby Lobby Stores, Inc. |
| 15 | Wyoming | Hobby Lobby Stores, Inc. |

16
17 Collectively, these employers and universities employ or enroll hundreds of
18 thousands of people across the country, many of whom also have dependents receiving
19 insurance through these plans. *See Exhibit A*, pp. 669264-70.

20
21 **3. The Rules Will Result in More Women Receiving Contraceptive
22 Care Through State-Funded Programs.**

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

26
27 _____
28 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.

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.

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

15

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

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

22

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
 29 increase in spending on “pregnancy-related medical services.” 82 Fed. Reg. 47827-28 & n.
 30 113.

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

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

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

23

 24 ¹³ A. Sonfield et al., *Public Costs from Unintended Pregnancies and the Role of Public*
 25 *Insurance Programs in Paying for Pregnancy-Related Care: National and State Estimates for*
 26 *2010*, Guttmacher Institute (Feb. 2015),
https://www.guttmacher.org/sites/default/files/report_pdf/public-costs-of-up-2010.pdf.

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

28 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.

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

20 ¹⁶ See, e.g., U.S. Dept. of Labor, Bureau of Labor Statistics, “24 percent of employed
 21 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>; A. Swanson & J. O’Connell, *What the U.S. Map Should Really Look Like*, Wash. Post
 25 (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>.

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

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

13 As these examples illustrate, the harms caused by the loss of contraceptive coverage
 14 will spread across state lines, as commuters, remote workers, and dependents who reside in
 15

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

18 ²⁰ *Id.*

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

22 ²² See, e.g., S. Rollins et al., "Young, Uninsured and in Debt: Why Young Adults Lack
 23 Health Insurance and How the Affordable Care Act is Helping," The Commonwealth Fund, at
 24 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
 25 approximately 14 million people under the age of 26 remain on their parents health insurance
 26 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**
Nationwide Remedy.

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

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

16 To come within a federal court's Article III jurisdiction, "a plaintiff must demonstrate
 17 standing for each *claim* [it] seeks to press and for each *form* of relief that is sought," whether
 18 the relief be in the form of damages, injunctive relief, or declaratory relief. *Town of Chester v.*
Laroe Estates, Inc., 137 S. Ct. 1645, 1650 (2017) (emphasis added). Thus, "a plaintiff who has
 20 standing to seek damages must also demonstrate standing to pursue injunctive relief." *Id.* But
 21 once a plaintiff has established that it has standing for each claim and each form of relief, Article
 22 III imposes no further restraint on the *scope* of equitable relief that a District Court may order.
 23 To the contrary, "[f]or 'several hundred years,' courts of equity have enjoyed 'sound discretion'
 24 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.*
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 than 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.”).

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).

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

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

9
 10 “[W]hen a reviewing court determines that agency regulations are unlawful, the
 11 ordinary result is that the rules are vacated—not that their application to the individual
 12 petitioners is proscribed.”” *Hawaii*, 859 F.3d at 788 (quoting *Nat'l Mining Ass'n v. U.S. Army*
 13 *Corps of Eng'rs*, 145 F.3d 1399, 1409 (D.C. Cir. 1998)). That settled rule follows directly from
 14 the Administrative Procedure Act (“APA”), which empowers courts not only to “hold unlawful”
 15 but also to “set aside” legally infirm “agency action.” 5 U.S.C. § 706(2). Accordingly, the
 16 Ninth Circuit has frequently vacated regulations, in their entirety, that were not promulgated in
 17 compliance with the APA. *See, e.g., Paulsen*, 413 F.3d at 1008 (invalidating a regulation that
 18 was not promulgated in compliance with the APA). As a consequence of vacatur, the
 19 invalidated regulations have no effect anywhere in the country, and regulations previously in
 20 force are reinstated. *See id.* (“The effect of invalidating an agency rule is to reinstate the rule
 21 previously in force.”).

22
 23 This approach accords with the practical reality that invalid federal regulations—like
 24 those at issue here—often inflict harm on a nationwide basis. As discussed, Defendants have
 25 identified employers in virtually every State in the country that will likely use the Rules to drop
 26 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 Finally, issuance of nationwide relief would be consistent with the primary purpose of
 25 a preliminary injunction—namely, preservation of “the status quo and the rights of the parties
 26

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 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.

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.

14 Respectfully submitted,

15 COMMONWEALTH OF MASSACHUSETTS
16 MAURA HEALEY
17 ATTORNEY GENERAL

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26 Dated: January 7, 2019

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1 **CERTIFICATE OF SERVICE**

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

5 Dated: January 7, 2019

6 */s/ Genevieve C. Nadeau* _____

7 Genevieve C. Nadeau

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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 | | | | | | | | | | |
| 2 | 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 | |
| 3 | American Family Association v. Sebelius, 1:13-cv-00032-SA-DAS (N.D. Miss. Feb. 20, 2013) | | N | 135 employees | Complaint | Yes | | 135 | 135 | |
| 4 | Annex Med., Inc. v. Burwell, No. 13-1118, 2013 WL 1276025 (8th Cir. Feb. 1, 2013) | | F | 18 employees | Complaint | Yes | | 18 | 18 | |
| 5 | Archdiocese of St. Louis v. Burwell, No. 4:13-cv-02300 (E.D. MO), No. 14-3016 (8th Cir.) | Archdiocese of St. Louis Catholic Charities of St. Louis | H | 7,800 employees/staff | Complaint | No | Diocese self-insured plan (see Brandt v. Burwell note below) | 0 | 0 | |
| 6 | Armstrong v. Burwell, No. 1:13-cv-00563-RBJ (D. Colo. Sept. 17, 2013); gov't appeal dismissed Sept. 4, 2014 (10th Cir. order); | | C | 1600 employees | Complaint | No | same | 0 | 0 | |
| 7 | | | F | 730 employees | Complaint | Yes | | 730 | 730 | |
| 8 | Association of Christian Schools International v. Burwell, No. 1:14-cv-2966 (D. Colo.), No. 14-1492 (10th Cir.) | Association of Christian Schools International Samaritan Ministries International | N | 140 employees | Complaint | Yes | | 140 | 140 | |
| 9 | | | N | 133 employees | Complaint | Yes | | 133 | 133 | |
| 10 | | 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 |
| 11 | | Indiana Wesleyan University | N | 15,000 students; 3,565 employees (1,018 FT and 2,547 PT) | Complaint | Students = no; employees = partial | 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. | 1,435 | 1,435 | 0 |
| 12 | Autocam Corp. v. Burwell, 730 F.3d 618 (6th Cir. Sept. 17, 2013) | Autocam Autocam Medical | F | 478 employees | Complaint | Yes | | 478 | 478 | |
| 13 | | | 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. Fl.), 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-AJJS (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 | H | 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 | |
|----|---|--|---|-------------------------------------|---|--|---|------------------------------------|--|---|
| 1 | 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 |
| 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 | | Diocese self-insured plan | 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 | | | | | 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 v. Burwell, No. 2:14-cv-3096 (E.D. Pa.), No. 14-3126 (3d Cir.) | Catholic Social Services | C | 626 employees | Form W-3 filing | No | Diocese self-insured plan | 0 | 0 | |
| 43 | | 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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| 1 | | | | | | | | | | |
| 69 | | St. Dominic-Jackson Memorial Hospital and affiliated locations and programs | 6 | 2,200 employees | Complaint | No | 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 | |
| 70 | Conlon, Bishop of Catholic Diocese of Joliet v. Sebelius, 1:12-cv-03932 (N.D. Ill. May 21, 2012) | Diocese of Joliet | | At least 1,570 employees | Complaint | No | Diocese self-insured plan | 0 | 0 | |
| 71 | | Catholic Charities of Joliet | | 240 employees | Complaint | No | Diocese self-insured plan | 0 | 0 | |
| 72 | | Diocese of Springfield | | 2585 employees | Complaint | No | Diocese self-insured plan | 0 | 0 | |
| 73 | | Catholic Charities of Springfield | | 200 employees | Complaint | No | Diocese self-insured plan | 0 | 0 | |
| 74 | | Catholic Charities of Chicago | | 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 | | 115 employees | Complaint | Yes | | 115 | 115 | |
| 77 | | Aquinas College | | 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 | | 75 employees | Complaint | | | 75 | 75 | |
| 79 | | MQA | | 85 employees | Complaint | | | 85 | 85 | |
| 80 | | St. Mary Villa | | 50 employees | Complaint | | | 50 | 50 | |
| 81 | | Dominican Sisters | | 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) | | | 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 | | 4,000 employees | Complaint | No | Catholic hospital self-insured plan | 0 | 0 | |
| 85 | | Catholic Health Services of Long Island | | 17,000 employees | Complaint | No | Catholic hospital self-insured plan | 0 | 0 | |
| 86 | | The Diocese of Rockville Centre | | 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 | | 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") | | 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 | | | 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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|-----|--|--|---|--------------------------------------|---|--|--|------------------------------------|--|---|
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| 100 | Diocease of Cheyenne v. Burwell, No. 2:14-cv-00021 (D. Wyo.), No. 14-8040 (10th Cir.) | | | 16 employees plus over 100 teachers | Complaint | No | Diocese self-insured plan | 0 | 0 | |
| 101 | | Diocese of Cheyenne 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 | | JPIIHS | | 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 | Diocease of Fort Wayne-South Bend Inc. v. Burwell, No. 1:12-cv-00159 (N.D. Ind.), No. 14-1431 (7th Cir.) | | | 2,741 employees | Complaint | No | Diocese self-insured plan; also grandfathered | 0 | 0 | |
| 107 | | Bend 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 if 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 | 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) | 342 | 342 | |
| 112 | | Franciscan Alliance | | 18,000 employees | Complaint | Partial | | 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-15484 (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 | |
| 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 auxiliary | 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 | | | | | | | | | | |
| 132 | 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 | |
| 133 | Hall v. Burwell, No. 1:13-cv-00295-JRT-LIB (D. Minn. Apr. 2, 2013); | | | Approximately 50 employees | Complaint and online news reports | Yes | | 50 | 50 | |
| 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 | | 54 employees (including owners) | Complaint | Yes | | 54 | 54 | |
| 135 | | H.I. Hart | | 7 employees | Complaint | Yes | | 7 | 7 | |
| 136 | Hastings Chrysler Center, Inc. v. Burwell, No. 0:14-cv-00265-PAM-JG (D. Minn. May 28, 2014); | | | 60 employees | Complaint | Yes | | 60 | 60 | |
| 137 | Hobby Lobby Stores, Inc., et al. v. Sebelius, et al., No. CIV-12-1000-HE (W.D. Okla. Oct. 2, 2012); Burwell | Hobby Lobby | | 13,240 employees | Complaint | Yes | | 13,240 | 13,240 | |
| 138 | | Mardel | | 372 employees | Complaint | Yes | | 372 | 372 | |
| 139 | Holland v. U.S. Dep't of Health and Human Servs., No. 1:13-15487 (S.D. W. Va. July 15, 2014); | | | 150 employees | Complaint | Yes | | 150 | 150 | |
| 140 | Infrastructure Alternatives, Inc. v. Burwell, No. 1:13-cv-00031-RJ (W.D. Mich. Sept. 30, 2013) | | | 70 employees | Complaint | Yes | | 70 | 70 | |
| 141 | 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 | |
| 142 | Johnson Welded Prods. v. Burwell, No. 1:16-cv-557 (D.D.C.) | | | 421 employees (including Lilli Johnson) | Complaint | Yes | | 421 | 421 | |
| 143 | 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 | |
| 144 | Legatus v. Burwell, No. 2:12-cv-12061-RHC-MJH (E.D. Mich. Dec. 20, 2013) | Legatus | | 69 employees | Complaint | Yes | | 69 | 69 | |
| 145 | Lindsay v. U.S. Dep't of Health and Human Servs., No. 1:13-cv-1210 (N.D. Ill. Mar. 20, 2013); | Weingartz Supply Company, W&P Management LLC, and subsidiaries | | 170 employees | Complaint | Yes | | 170 | 170 | |
| 146 | | | | 70 employees | Complaint | Yes | | 70 | 70 | |
| 147 | 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 | |
| 148 | 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 |
| 149 | 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 | 0 |
| 150 | Media Research Center v. Sebelius, No. 1:14-CV-379 (E.D. Virginia) | | | 114 employees | Complaint | Yes | | 114 | 114 | |
| 151 | Mersino Mgmt. Co. v. Burwell, No. 13-1944 (6th Cir. July 9, 2014) | | | 110 employees | Complaint | Yes | | 110 | 110 | |
| 152 | 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 | |
| 153 | | Catholic Charities | | 55 employees | Complaint | No | Self-insured church plan | 0 | 0 | |
| 154 | Midwest Fastener Corp. v. Burwell, No. 1:13-cv-01337-ESH (D.D.C. Oct. 16, 2013); | | | 187 employees | Complaint | Yes | | 187 | 187 | |
| 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.); | Cathlicke 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); Reaching Souls Intl. Inc. v. Burwell, No. 5:13-cv-01092 (W.D. Okla.), No. 14-6028 (10th Cir.) | | approximately 179 employees | Complaint | Yes | | 179 | 179 | | |
| 165 | Real Alternatives, Inc. v. Burwell, No. 1:15-cv-105 (M.D. Pa.), No. 16-1275 (3d Cir.) | | 78,000 participants (pastors, employees, and their families) | Complaint | No | Self insured church plan | 0 | 0 | | |
| 166 | Right to Life of Michigan v. Kathleen Sebelius; No. 1:13-CV-01202 (W.D. Mich. Nov. 22, 2013); Roman Catholic Archbishop of Washington v. Burwell, No. 1:13-cv-01441 (D.D.C.), Nos. 13-5371, 14-5021 (D.C. Cir.) | Catholic University | 3 employees | Complaint | No | All employees must/do oppose the coverage; therefore not counting as affected by rules | 0 | 0 | | |
| 167 | | Archdiocese of Washington | 43 employees | Complaint | No | All employees must/do oppose the coverage; therefore not counting as affected by rules | 0 | 0 | | |
| 168 | | Thomas Aquinas College | 7,000 students, 1,766 employees | Complain | Yes | | 7,000 students, 1,766 employees | 1,766 | 7,000 | |
| 169 | | Consortium of Catholic Academics | 2,100 eligible employees, 1,200 teachers/employees at schools | Complaint | No | Diocese self-insured plan | 0 | 0 | | |
| 170 | | Archbishop Carroll | 370 students, 78 eligible employees | Complaint | No | Church plan and complaint does not state that it offers student insurance | 0 | 0 | | |
| 171 | | Don Bosco | 119 employees | Complaint | No | Diocese self-insured plan | 0 | 0 | | |
| 172 | | Catholic Information Center | 70 employees | Complaint | No | Diocese self-insured plan | 0 | 0 | | |
| 173 | | Mary of Nazareth | 51 employees | Complaint | No | Diocese self-insured plan | 0 | 0 | | |
| 174 | | Catholic Charities | 9 employees | Complaint | No | Diocese self-insured plan | 0 | 0 | | |
| 175 | | Victory Housing | 44 employees | Complaint | No | Diocese self-insured plan | 0 | 0 | | |
| 176 | | | 890 employees | Complaint | No | Diocese self-insured plan | 0 | 0 | | |
| 177 | | | 184 employees | Complaint | No | Diocese self-insured plan | 0 | 0 | | |
| 178 | Roman Catholic Archdiocese of Atlanta v. Burwell, No. 1:12-cv-03489 (N.D. Ga.), Nos. 14-12890, 14-13239 (1st Cir.) | Roman Catholic Archdiocese of Atlanta | 9,800 students, 4,200 employees | Complaint | No | Diocese self-insured plan | 0 | 0 | | |
| 179 | | Catholic Charities | 75 employees | Complaint | No | Diocese self-insured plan | 0 | 0 | | |
| 180 | | CENG | 200 employees | Complaint | No | Diocese self-insured plan | 0 | 0 | | |
| 181 | | Diocease of Savannah | 5,000 students; hundreds of employees | Complaint | No | Diocese self-insured plan | 0 | 0 | | |
| 182 | Roman Catholic Diocese of Dallas v. Sebelius, No. 3:12-cv-01589-B (N.D. Tex.) | | 900 teachers/staff, 100+ employees | Complaint | No | Diocese self-insured plan | 0 | 0 | | |
| 183 | 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 | | |
| 184 | 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 | | |
| 185 | | Ozark | 51 employees | 2dam complaint and Linked in | Yes | | 51 | 51 | | |
| 186 | CNS International Ministries | | 204 employees | Form W-3 filing | Yes | | 204 | 204 | | |
| 187 | NIS Financial | | 49 employees | 2dam Complaint | Yes | | 49 | 49 | | |
| 188 | CNS Corp | | 49 employees | 2dam Complaint | Yes | | 49 | 49 | | |
| 189 | Heartland Christian College | | 12 employees | Form W-3 filing | Employees only | Complaint does not say they offer a student plan | 12 | 12 | 0 | |
| 190 | Sioux Chief Mfg. Co. v. Burwell, No. 13-0036-CV-W/ODS (W.D. Mo. Feb. 28, 2013); SMA, LLC v. Burwell, No. 0:13-cv-01375-ADM-LIB (D. Minn. July 8, 2013); Southern Nazarene Univ. v. Burwell, No. 5:13-cv-1015 (W.D. Okla.), No. 14-6026 (10th Cir.) | | 370 employees | Complaint | Yes | | 370 | 370 | | |
| 191 | | | 35 employees | Complaint | Yes | | 35 | 35 | | |
| 192 | | Southern Nazarene University | 2,100 students, 505 employees | Complaint | Yes | | 2,100 students, 505 employees | 505 | 2,100 | |
| 193 | | OK Weselan University | 1,220 students, 557 employees | Complaint | Employees only | Complaint does not say they offer a student plan | 557 employees | 557 | 0 | |
| 194 | | OK Baptist University | 1,900 students, 328 employees | Complaint | Yes | | 1,900 students, 328 employees | 328 | 1,900 | |
| 195 | | 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 | |
| 196 | Stewart v. Burwell, No. 1:13-cv-01879 (D.D.C. Apr. 3, 2014); Stinson Electric, Inc. v. Burwell, No. 14-00830-PJS-JJG (D. Minn. April 30, 2014); The C.W. Zumbiel Co. v. Burwell, No. 1:13-cv-01611 (D.D.C. Nov. 27, 2013); The Criswell College v. Sebelius, No. 3:12-cv-04404 (N.D. Tex.) | Encompass Develop. Design & Construct, LLC | 43 employees | Complaint | Yes | | 43 | 43 | | |
| 197 | | | 19 employees | Business profile on manta.org | Yes | | 19 | 19 | | |
| 198 | | | 350 employees | Complaint | Yes | | 350 | 350 | | |
| 199 | | | 322 students, 50 employees | Complaint | Employees only | Complaint does not say they offer a student plan | 50 | 50 | | |
| 200 | The QC Grp., Inc. v. Burwell, No. 0:13-cv-01726-JRT-SER (D. Minn. Sept. 11, 2013); | | 62 employees | Complaint | Yes | | 62 | 62 | | |
| 201 | | Archdiocese of Miami | Unknown | | No | House of worship | 0 | 0 | | |
| 202 | Thomas G. Wenski v. Kathleen Sebelius; No. 12-cv-23820-Graham/Goodman (S.D. Fla. Nov. 7, 2012) | Catholic Health Services | 2,000 employees | Complaint | Yes | | 2,000 | 2,000 | | |
| 203 | | Catholic Hospice | 610 employees | Form W-3 filing | Yes | | 610 | 610 | | |
| 204 | | | | | | | | | | |

Draft--For Discussion Purposes

| | A Case | B Plaintiffs | C Type: For-profit (F), Nonprofit (N), House of Worship or IA (H), Church Plan (C), Pro-life (P), Grandfathered (G) | D Number of Employees/Students | E Document employee number located within | F Are students/employees counted in final total? | G If not counted, explanation why | H Number counted towards final total | I Total employees (minus HoW/IA and SICPs) | J 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. Seblius, 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 | | Catholic Cemeteries | | 207 employees | Complaint | No | 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. | 0 | 0 | |
| 224 | | | | | | | | Total | 64,352 | 46,737 |
| 225 | | | | | | | | | | 7% of students use university sponsored plans http://www.gao.gov/new.items/d08389.pdf |
| 226 | | | | | | | | Total | 64,352 | 3,272 |
| 227 | | | | | | | | | employees in affected plans | students in affected plans |

| | A | B | C | D | E | F | G | H | I | J | K | L |
|----|-----------------|----------------------------|------------------------------|--|--|--|---|--|------------------|--|--------------------------------------|------------------------------------|
| 1 | | | | | DRAFT: INFORMATION NOT RELEASEABLE 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-Allison 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 | Ulipristil (aka E 1a) 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 | | | | | | | | | | Church Plan | self-insured | |
| 21 | | 10/9/2014 | Mail | The Catholic Diocese of Memphis in Tennessee | | Non-profit | | | | Other | self-insured | |
| 22 | | | | | | | | | | Other | self-insured | |
| 23 | | 10/9/2014 | Mail | Belhaven University | | Non-profit | | All | | Other | self-insured | |
| 24 | | | | | | | | | | Other | Fully insured | |
| 25 | | 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 | |

| | M | N | O | P | Q | R | S | T | U | V | W |
|----|--|---------------------------------|---|--|--|---|--|--|--------------|---|-------|
| 1 | | | | | | | | | | | |
| 2 | | | | | | | | | | | |
| 3 | | | | | | | | | | | |
| 4 | | | | | | | | | | | |
| 5 | 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 plans, date notification forwarded to DOL | Action Taken | 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 | | | | | | |

| S | A | | B | | C | | D | | E Eligible Organization Information | | F | | G | | H | | I | | J Plan Information | | 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 | | | | | | | | | | | Redacted | |
| 26 | | 10/15/2014 | E-mail | Loyola University | | Non-profit | No | All | | Other | Fully insured | | | | | | | | | | | | | |
| 27 | | | | | | | | | | Other | Fully insured | | | | | | | | | | | | | |
| 28 | | | | | | | | | | Other | Fully insured | | | | | | | | | | | | | |
| 29 | | | | | | | | | | Other | self-insured | | | | | | | | | | | | | |
| 30 | | 10/16/2014 | Litigation | Wheaton College | | Non-profit | Yes | "Abortion-causing drugs abortion procedures and related services but has no religious objection to providing coverage for contraceptive drugs and devices that prevent conception (as opposed to interfering with the continued survival of a human embryo). Specifically it identifies Plan B ella and certain unspecified IUDs as drugs and devices to which it has religious objections." | | | | | | | | | | | | | | | | |
| 31 | | | | | | | | | | Other | self-insured | | | | | | | | | | | | | |
| 32 | | 10/20/2014 | Mail | Carithers-Wallace-Courtenay LLC | | Other | | | | | | | | | | | | | | | | | | |
| 33 | | 10/20/2014 | Email | Contract Packaging Inc. | | Other | | Plan B E la Next Choice | | | | | | | | | | | | | | | | |
| 34 | | 11/5/2014 | Mail | Avesta Homes LLC | | Other | | All | | | | | | | | | | | | | | | | |
| 35 | | 11/1/2014 | E-mail | Kent Manufacturing Company | | Other | | | | | | | | | | | | | | | | | | |
| 36 | | 11/14/2014 | Mail | Dakota Tube Inc | | Other | | | | | | | | | | | | | | | | | | |
| 37 | | 11/18/2014 | E-mail | Oral Roberts University | | Non-profit | | EC Plan B One-step (the morning after pill); Ella Ulipristal 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" | | | | | | | | | | | | | | | | |
| 38 | | | | | | | | | | Other | Fully insured | | | | | | | | | | | | | |

| S | M | N | O | P | Q | R | S | T | U | V | W |
|----|--|---------------------------------|---|--|--|---|--|---|---|---|-------|
| | Service Provider Information | | | Original information or updated information? | For updated information, date the information is effective | 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 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) | | |
| 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 | | | | Original | N/A | | | | | | |
| 33 | | | | Original | N/A | | | | | | |
| 34 | | | | Original | N/A | | | | | | |
| 35 | | | | Original | N/A | | | | | | |
| 36 | | | | Original | N/A | | | | | | |
| 37 | | | | Original | N/A | | | | | | |
| 38 | | | | | | | | | | | |

| S | A | B | C | D | Eligible Organization Information | | G | H | Plan Information | | L | | |
|----|----------|------------|-------|----------|---|---|--|---|--|-----------|-------------|----------------|----------|
| | | | | | 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 | | | |
| 6 | Redacted | | | Redacted | J.E. Dunn Construction Group Inc. | | Other | | - Plan B (levonorgestrel) and its generic equivalents - ella (ulipristal acetate) - ParaGard (copper IUD) - Minrena and Skyla (levonorgestrel-releasing IUDs) | Redacted | Other | Self-insured | Redacted |
| 39 | | 11/20/2014 | Email | | | | Non-profit | | Plan B Ella and a IUDs | | Other | Self-insured | |
| 40 | | | | | | | Non-profit | | | | Other | self-insured | |
| 41 | | 12/5/2014 | Email | | Greenville College | | Non-profit | | | | Other | self-insured | |
| 42 | | | | | | | Non-profit | | | | Other | self-insured | |
| 43 | | 12/9/2014 | Email | | Covenant Presbyterian Church | | Non-profit | | | | Other | self-insured | |
| 44 | | | | | | | Non-profit | | | | Other? | Fully Insured? | |
| 45 | | 12/17/2014 | Email | | Trinity Schools Inc. D/B/A Trinity School at River Ridge | | Non-profit | No | | | Other? | Fully Insured? | |
| 46 | | | | | | | Non-profit | No | | | Other? | Fully Insured? | |
| 47 | | 12/17/2014 | Email | | People of Praise Minnesota Inc. | | Non-profit | | | | Other | self-insured | |
| 48 | | | | | | | Non-profit | | | | Other | Fully Insured | |
| 49 | | 12/2 /2014 | Email | | Oral Roberts University | | Non-profit | | EC Plan B One-step (the morning after pill) Ella Ulipristal 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 | |
| 50 | | | | | | | Other | | "All contraceptive medications and procedures (sterilization abortions Rx contraceptive devices etc.)" | | Other | Fully Insured | |
| 51 | | 1/9/2015 | Mail | | ParishSOFT LLC | | Other | | | | Other | Fully Insured | |
| 52 | | | | | | | Other | | All | | Other | self-insured | |
| 53 | | 1/12/2015 | Mail | | DAS Companies Inc. | | Non-profit | No | | | Other | self-insured | |
| 54 | | | | | | | Non-profit | No | "the Health Plan will not provide, pay for, and/or facilitate access to abortion inducing products and related pharmaceuticals. This includes the use of Yuz, Elliptine, and the Copper T-380 when prescribed with a diagnosis of pregnancy." | | Other | Fully Insured | |
| 55 | | 1/30/2015 | Email | | Illinois Baptist Children's Home and Family Services | | Non-profit | | The Health Plan will require a prior authorization for the dispensing of Yuz, Elliptine and the Copper T-380. Coverage of these products will not be provided if a doctor confirms the use of the medication for non-abortion purposes." | | Church Plan | self-insured | |
| 56 | | | | | | | Non-profit | | Plan B will be non-covered." | | | | |
| 57 | | 2/1 /2015 | Mail | | Olivet Nazarene University | | Non-profit | | | | | | |
| 58 | | | | | | | Non-profit | | All | | | | |
| 59 | | 4/15/2015 | Mail | | St. Raphael Health Plan - all participating employers (196 4) | | Non-profit | | | | | | |

| S | 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 | Action Taken | | | | | | Notes |
| | Contact information for issuer (enter N/A if none) | Name of TPA (enter N/A if none) | | | 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) | | | |
| 39 | Redacted | Redacted | Redacted | Original | N/A | Redacted | | | | | |
| 40 | | | | Original | N/A | | | | | | |
| 41 | | | | Original | N/A | | | | | | |
| 42 | | | | Original | N/A | | | | | | |
| 43 | | | | Original | N/A | | | | | | |
| 44 | | | | | N/A | | | | | | |
| 45 | | | | | N/A | | | | | | |
| 46 | | | | Updated | 1/1/2015 | | | | | | |
| 47 | | | | Original | N/A | | | | | | |
| 48 | | | | Original | N/A | | | | | | |
| 49 | | | | Original | N/A | | | | | | |
| 50 | | | | Original | N/A | | | | | | |
| 51 | | | | Original | N/A | | | | | | |
| 52 | | | | Original | N/A | | | | | | |
| 53 | | | | Original | N/A | | | | | | |

| S | A | B | C | D | | E Eligible Organization Information | F | G | H | I | | J Plan Information | K | L |
|----|----------|---|---|----------------------------|-------------------------------|--|----------|------------|------------------------------|---|--|-----------------------|----------|---|
| | | | | Date notification received | Received via mail or e-mail? | | | | | Plan name | Plan type (Student Plan, Church Plan, Other) | | | |
| 6 | Redacted | | | 5/4/2015 | Mail | Society of the Precious Blood | Redacted | Non-profit | All | Redacted | Other | Fully insured | Redacted | |
| 51 | | | | 5/22/2015 | E-mail | Michael James Sales Tax Solutions LLC | | Other | "Any and all abortifacients" | | Other | Fully insured | | |
| 55 | | | | 07/08/15 | Litigation (Zubik v. Burwell) | The ROMAN CATHOLIC DIOCESE OF PITTSBURGH (* exempt) | | Non-profit | Yes | | Church Plan | self-insured | | |
| 56 | | | | 07/08/15 | Litigation (Zubik v. Burwell) | THE ROMAN CATHOLIC DIOCESE OF ERIE (* exempt) | | Non-profit | Yes | | Church Plan | self-insured | | |
| 57 | | | | 07/08/15 | Litigation (Zubik v. Burwell) | CATHOLIC CHARITIES OF THE DIOCESE OF PITTSBURGH INC. | | Non-profit | Yes | | Church Plan | self-insured | | |
| 58 | | | | 07/08/15 | Litigation (Zubik v. Burwell) | THE CATHOLIC CEMETERIES ASSOCIATION OF THE DIOCESE OF PITTSBURGH | | Non-profit | Yes | | Church Plan | self-insured | | |
| 59 | | | | 07/08/15 | Litigation (Zubik v. Burwell) | ST. MARTIN CENTER INC. | | Non-profit | Yes | | Church Plan | self-insured | | |
| 60 | | | | 07/08/15 | Litigation (Zubik v. Burwell) | PRINCE OF PEACE CENTER INC. | | Non-profit | Yes | | Church Plan | self-insured | | |
| 61 | | | | 07/08/15 | Litigation (Zubik v. Burwell) | ERIE CATHOLIC PREPARATORY SCHOOL | | Non-profit | Yes | | Church Plan | self-insured | | |
| 62 | | | | 8/3/2015 | Mail | Oral Roberts University | | Non-profit | | EC Plan B One-step (the morning after pill); Ella Ulipristal Acetate (one week after sex); copper intrauterine devices; hormonal intrauterine devices; IUDs is a very effective 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 |
|--|---------------------------------|---|--|--|---|--|---|---|-------|---|
| Service Provider Information | | | Original information or updated information? | For updated information, date the information is effective | Action Taken | | | | | |
| 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 updated information, summary of charges | 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 | |
| 5 | Redacted | Redacted | Redacted | Original | N/A | | | | | |
| 6 | | | | Original | N/A | | | | | |
| 54 | | | | Original | N/A | | | | | |
| 55 | | | | Original | N/A | | | | | |
| 56 | | | | Original | N/A | | | | | |
| 57 | | | | Original | N/A | | | | | |
| 58 | | | | Original | N/A | | | | | |
| 59 | | | | Original | N/A | | | | | |
| 60 | | | | Original | N/A | | | | | |
| 61 | | | | Original | N/A | | | | | |
| 62 | | | | Original | N/A | | | | | |
| 63 | | | | Original | N/A | | | | | |

| 5 | A | B | C | D | | E Eligible Organization Information | F | G | H | I | | J Plan Information | K | L |
|----|-----------------------------|---|--|---|---|--|------------|-----|--|---|-------------------------------------|-----------------------|--|--------------------------------------|
| | | | | Name of eligible organization | Contact information for eligible organization | | | | | 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? |
| 6 | Tracking number Redacted | Date notification received 8/2 /2015 | Received via mail or e-mail? E-mail | Cummins-Alison Corp and Cummins IIinois Inc. | Redacted | | Other | No | Plan B Ella Mirena Copper IUDs | Redacted | | Other | self-insured | Redacted |
| 64 | | 9/25/2015 | E-mail | Weingartz Supply Co. Inc. & W & P Management LLC | | | Other | Yes | All contraceptive services | | | Other | Fully insured | |
| 65 | | 10/14/2015 | Mail | Carolyn's Place Inc. | | | Non-profit | | All contraceptive services | | | | Fully insured | |
| 66 | | 10/14/2015 | Mail | Dakota Tube Inc | | | Other | | | | | | | |
| 67 | | 10/28/2015 | Mail | 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 | |
| 68 | | 10/29/2015 | E-mail | Electrolock Inc. Dunstone Co. Inc. and Stone River Mgmt. Co. LLC. | | | Other | | All | | | Other | self-insured | |
| 69 | | 11/19/2015 | Mail | 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 | |
| 70 | | | | | | | | | | | | Other | Fully Insured | |
| 71 | | | | | | | | | | | | | self-insured | |
| 72 | | 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 | |
| 73 | | 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 | |
| 74 | | 12/2 /2015 | Mail | Dakota Tube Inc. | | | Other | | | | | | | |
| 75 | | 1/28/2016 | Mail | 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 | |
| 76 | | 2/2 /2016 | E-mail | Miller Contracting Services Inc. | | | Other | | All | | | Other | | |
| 77 | | 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 |
|--|---------------------------------|---|--|--|---|--|---|---|-------|---|
| Service Provider Information | | | Original information or updated information? | For updated information, date the information is effective | Action Taken | | | | | |
| 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 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 | |
| 6 | Redacted | Redacted | Redacted | Original | N/A | Redacted | | | | |
| 64 | | | | Original | N/A | | | | | |
| 65 | | | | Original | N/A | | | | | |
| 66 | | | | Original | N/A | | | | | |
| 67 | | | | Original | N/A | | | | | |
| 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 | | | | Original | N/A | | | | | |
| 76 | | | | Original | N/A | | | | | |
| 77 | | | | Original | N/A | | | | | |
| 78 | | | | Original | N/A | | | | | |

| S | A | B | C | D | | E Eligible Organization Information | F | G | H | I | | J | K | L |
|-----|---------------------------------|--|--|---|---|---|---|-----|-----|---|-------------------------------------|-----------|--|--|
| | | | | 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? |
| 6 | Tracking number Redacted | Date notification received 3/7/2016 | Received via mail or e-mail? E-mail | Name of eligible organization Luurtsema Sales | Contact information for eligible organization Redacted | Type of organization (Non-profit or other) Other | | | All | Redacted | Redacted | Other | Fully insured | Redacted |
| 79 | | | | | | | | | | | | | | |
| 80 | | | | Continuum Health Partnerships Inc. | | | | | | | | | | |
| 81 | | | | Continuum Health Management LLC | | | | | | | | | | |
| 82 | | | | Mountain States Health Properties LLC. | | | | | | | | | | |
| 83 | | | | Fresh Unlimited Inc. | | | | | All | | | | | |
| 84 | | | | Sarkes Tarzian Inc. | | | | | All | | | | | |
| 85 | | | | Mersino Management Company | | | | | | | | | | |
| 86 | | | | Mersino Southwest, LLC | | | | | | | | | | |
| 87 | | | | Mersino Enterprise Inc. | | | | | | | | | | |
| 88 | | | | Global Pump Company | | | | | | | | | | |
| 89 | | | | Mersino Properties Company, LLC | | | | | | | | | | |
| 90 | | | | Mersino Dewatering Inc. | | | | | | | | | | |
| 91 | | | | Catholic Health Care System (aka ArchCare) | | | | Yes | | | | | | |
| 92 | | | | Utiligation: 2nd Circuit Court 1:12-cv-02542-BMW Catholic Health Care System | | | | | | | | | | |
| 93 | | | | Cardinal Spellman High School | | | | Yes | | | | | | |
| 94 | | | | Monsignor Farrell High School | | | | | | | | | | |
| 95 | | | | Catholic Health Services of Long Island | | | | Yes | | | | | | |
| 96 | | | | Geneva College (employee) | | | | | | | | | | |
| 97 | | | | Geneva College (Student) | | | | Yes | | | | | | |
| 98 | | | | The Roman Catholic Diocese of Erie* (exempt) | | | | | | | | | | |
| 99 | | | | Erie Catholic Preparatory School | | | | | | | | | | |
| 100 | | | | PRINCE OF PEACE CENTER INC. | | | | | | | | | | |
| 101 | | | | ST. MARTIN CENTER INC. | | | | | | | | | | |
| 102 | | | | Zubik Catholic Charities of Pittsburgh | | | | | | | | | | |
| 103 | | | | Diocese of Pittsburgh** (Exempt) | | | | | | | | | | |
| 104 | | | | Charlton Catholic Diocese of Beaumont Texas | | | | | | | | | | |
| | | | | Catholic Diocese of Beaumont 5th Circuit Court | | | | | | | | | | |

| M | N | O | P | Q | R | S | T | U | V | W |
|--|---------------------------------|---|--|--|---|--|---|---|---|-------|
| Service Provider Information | | | Original information or updated information? | For updated information, date the information is effective | 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 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) | | |
| 670118 | Redacted | Redacted | Redacted | Original | N/A | Redacted | | | | |
| 79 | | | | | | | | | | |
| 80 | | | | Original | N/A | | | | | |
| 81 | | | | Original | N/A | | | | | |
| 82 | | | | Original | N/A | | | | | |
| 83 | | | | Original | N/A | | | | | |
| 84 | | | | Original | N/A | | | | | |
| 85 | | | | Original | N/A | | | | | |
| 86 | | | | Original | N/A | | | | | |
| 87 | | | | Original | N/A | | | | | |
| 88 | | | | Original | N/A | | | | | |
| 89 | | | | Original | N/A | | | | | |
| 90 | | | | Original | N/A | | | | | |
| 91 | | | | Original | N/A | | | | | |
| 92 | | | | Original | N/A | | | | | |
| 93 | | | | Original | N/A | | | | | |
| 94 | | | | Original | N/A | | | | | |
| 95 | | | | Original | N/A | | | | | |
| 96 | | | | Original | N/A | | | | | |
| 97 | | | | Updated | N/A | | | | | |
| 98 | | | | Updated | N/A | | | | | |
| 99 | | | | Original | N/A | | | | | |
| 100 | | | | | | | | | | |
| 101 | | | | | | | | | | |
| 102 | | | | | | | | | | |
| 103 | | | | | | | | | | |
| 104 | | | | | | | | | | |

| S | A | B | C | E | | | G | H | I | | | L |
|-----|-----------------|----------------------------|---|--|---|--|---|---|------------------|--|--------------------------------------|------------------------------------|
| | | | | 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) |
| 105 | Redacted | 7/26/2016 | Litigation: ETBU 5th Circuit Court 4:12-CV-3009 | East Texas Baptist University (employee) | Redacted | Non-profit | Yes | "abortion-inducing drugs ... and related services" NOT including contraceptives (compl. ¶ 28) | Redacted | Other | self-insured | Redacted |
| 106 | | | | Houston Baptist | | | Yes | | | | self-insured | |
| 107 | | | | Westminster | | | Yes | | | | | |
| 108 | | | | Roman Catholic Diocese of Fort Worth* (Exempt) | | | | | Church Plan | self-insured | | |
| 109 | | 7/26/2016 | Litigation: University of Dallas 5th Circuit Court 4:12-cv-314 | University of Dallas (employee) | | | Yes | "abortion-inducing drugs" sterilization and contraception | | | self-insured | |
| 110 | | | | University of Dallas (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 | | | | | | | | |
| 113 | | | | Camp Marymount Inc. | | | | | | | | |
| 114 | | | | Catholic Charities of Tennessee | | | | | | | | |
| 115 | | 7/26/2016 | Litigation: Catholic Diocese of Nashville 6th Circuit Court 3:13-cv-01303 | The Catholic Diocese of Nashville* (Exempt) | | | Yes | "abortion-inducing products" sterilization and contraception | | | Fully Insured | |
| 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-GJQ | Catholic Family Services (aka Catholic Charities of Kalamazoo) | | | Yes | contraception and sterilization | | | self-insured | |
| 120 | | | | Catholic Charities of Kalamazoo | | | | | | | | |
| 121 | | | | Michigan Catholic Conference* (Exempt) | | | | | | | | |
| 122 | | | | Catholic Charities of Ft. Wayne | | | Yes | "abortion-inducing products" sterilization and contraception | | | Self-insured | |
| 123 | | | | Diocese of Ft. Wayne* (Exempt) | | | Yes | "abortion-inducing products" sterilization and contraception | | | Self-insured | |
| 124 | | | | Franciscan Alliance | | | Yes | "abortion-inducing products" sterilization and contraception | | | Both | |
| 125 | | 7/26/2016 | Litigation: Catholic Charities of Ft. Wayne 7th Circuit Court 1:12-cv-0159-JD-RBC | Our Sunday Visitor | | | Yes | "abortion-inducing products" sterilization and contraception | | | Self-insured | |
| 126 | | | | Specialty Physicians of Illinois | | | Yes | "abortion-inducing products" sterilization and contraception | | | Fully-insured | |
| 127 | | | | St. Anne Home | | | Yes | "abortion-inducing products" sterilization and contraception | | | Self-insured | |
| | | | | University of St. Francis | | | Yes | "abortion-inducing products" sterilization and contraception | | | Self-insured | |

| M | N | O | P | Q | R | S | T | U | V | W |
|--|---------------------------------|---|--|--|---|--|---|---|-------|---|
| Service Provider Information | | | Original information or updated information? | For updated information, date the information is effective | Action Taken | | | | | |
| 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 updated information, summary of charges | 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 | |
| 6 | Redacted | Redacted | Redacted | Original | N/A | Redacted | | | | |
| 105 | | | | Original | N/A | | | | | |
| 106 | | | | Original | N/A | | | | | |
| 107 | | | | Original | N/A | | | | | |
| 108 | | | | Original | N/A | | | | | |
| 109 | | | | Original | N/A | | | | | |
| 110 | | | | Original | N/A | | | | | |
| 111 | | | | Original | N/A | | | | | |
| 112 | | | | Original | N/A | | | | | |
| 113 | | | | Original | N/A | | | | | |
| 114 | | | | Original | N/A | | | | | |
| 115 | | | | Original | N/A | | | | | |
| 116 | | | | Original | N/A | | | | | |
| 117 | | | | Original | N/A | | | | | |
| 118 | | | | Original | N/A | | | | | |
| 119 | | | | Original | N/A | | | | | |
| 120 | | | | Original | N/A | | | | | |
| 121 | | | | Original | N/A | | | | | |
| 122 | | | | Original | N/A | | | | | |
| 123 | | | | Original | N/A | | | | | |
| 124 | | | | Original | N/A | | | | | |
| 125 | | | | Original | N/A | | | | | |
| 126 | | | | Original | N/A | | | | | |
| 127 | | | | Original | N/A | | | | | |

| S | A | B | C | D | | | E Eligible Organization Information | F | G | H | I | | | J Plan Information | 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 | | | | | | Biola University (employee) | Redacted | | Yes | "abortion-inducing drugs like ella and Plan B" but not other contraceptives | Redacted | | Fully Insured | Redacted | |
| 128 | | | | | | | 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 | | | | | | | 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 | | |
| 132 | | | | | | | Heartland Christian College | | | Yes | Plan B ella Copper IUDs | | | Self-insured | | |
| 133 | | | | | | | Cornerstone University | | | Yes | "post-coital 'emergency contraceptives'" such as "ella Plan B and IUDs" | | | Fully-insured | | |
| 134 | | | | | | | Dordt College (employee) | | | | | | | Self-insured | | |
| 135 | | | | | | | Dordt College (student) | | | | | | | Student | Fully-insured | |
| 136 | | | | | | | Little Sisters of the Poor Baltimore Inc. (Little Sisters of Baltimore) | | Non-profit | Yes | "sterilization contraceptives and drugs that cause abortions." "contraceptives abort facient drugs sterilizations and related education and counseling" | | | self-insured | | |
| 137 | | | | | | | Little Sisters of the Poor Home for the Aged Denver Colorado ("Little Sisters of Denver") | | Non-profit | Yes | ella Plan B Plan B one-step Next Choice Copper IUDs IUDs w/Progestin | | | Church Plan | self-insured | |
| 138 | | | | | | | Mid-America Christian | | | | "contraceptives abortifacients [such as Plan B and e la] and related counseling to their employees and students." | | | | self-insured | |
| 139 | | | | | | | Oklahoma Baptist (employee) | | | | | | | | Fully-insured | |
| 140 | | | | | | | Oklahoma Baptist (student) | | | | | | | Student | Fully-insured | |
| 141 | | | | | | | Oklahoma Wesleyan | | | | Plan B ella and IUDs | | | | Fully-insured | |
| 142 | | | | | | | Southern Nazarene University (employee) | | | | "contraceptives abortifacients [such as Plan B and e la] and related counseling to their employees and students." | | | | Partially self-insured, Insured for claims over \$100 000 | |
| 143 | | | | | | | | | | | | | | | | |
| 144 | | | | | | | | | | | | | | | | |
| 145 | | | | | | | | | | | | | | | | |

| M | N | O | P | Q | R | S | T | U | V | W |
|------------------------------|--|---------------------------------|---|--|--|---|--|---|---|-------|
| Service Provider Information | | | | | Action Taken | | | | | |
| 5 | 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 charges | 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 |
| 6 | Redacted | Redacted | Redacted | Original | N/A | Redacted | | | | |
| 128 | | | | Original | N/A | | | | | |
| 129 | | | | | | | | | | |
| 130 | | | | Original | N/A | | | | | |
| 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 | | | | | |
| 138 | | | | Original | N/A | | | | | |
| 139 | | | | | | | | | | |
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| 141 | | | | | | | | | | |
| 142 | | | | | | | | | | |
| 143 | | | | | | | | | | |
| 144 | | | | Original | N/A | | | | | |
| 145 | | | | | | | | | | |

| S | A | B | C | D | | E Eligible Organization Information | F | G | H | I | | J Plan Information | K Fully insured, self-insured or both? | L Name of issuer (enter N/A if none) | |
|-----|----------|---|---|-----------------|----------------------------|--|--|---|--|---|-------------------------------------|--|--|---|---------------|
| | | | | 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) | | |
| 6 | Redacted | | | | | | Southern Nazarene University (student) | Redacted | | | | Redacted | Student | Fully-insured | Redacted |
| 145 | | | | | 7/26/2016 | | Priests for Life DC 1:13-cv-01261 | Priests for Life | | | Yes | "contraception sterilization [and] abortifacients" | | Fully-insured | |
| 147 | | | | | | | | | | | | | | | |
| 148 | | | | | | | | | | | | | | | self-insured |
| 149 | | | | | | | | | | | | | | | |
| 150 | | | | | | | | | | | | | | | |
| 151 | | | | | | | | | | | | | | | Fully-insured |
| 152 | | | | | | | | | | | | | | | |
| 153 | | | | | | | | | | | | | | | |
| 154 | | | | | | | | | | | | | | | |
| 155 | | | | | | | | | | | | | | | |
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| 163 | | | | | | | | | | | | | | | |
| 164 | | | | | | | | | | | | | | | |

| S | M | N | O | P | Q | R | S | T | U | V | W |
|-----|--|---------------------------------|---|--|--|---|--|---|---|---|-------|
| | Service Provider Information | | | Original Information or updated information? | For updated information, date the information is effective | 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 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) | | |
| 146 | Redacted | Redacted | Redacted | | | Redacted | | | | | |
| 147 | | | | Original | N/A | | | | | | |
| 148 | | | | Original | N/A | | | | | | |
| 149 | | | | Original | N/A | | | | | | |
| 150 | | | | Original | N/A | | | | | | |
| 151 | | | | Original | N/A | | | | | | |
| 152 | | | | Original | N/A | | | | | | |
| 153 | | | | Original | N/A | | | | | | |
| 154 | | | | Original | N/A | | | | | | |
| 155 | | | | Original | N/A | | | | | | |
| 156 | | | | Original | N/A | | | | | | |
| 157 | | | | Original | N/A | | | | | | |
| 158 | | | | Original | N/A | | | | | | |
| 159 | | | | Original | N/A | | | | | | |
| 160 | | | | Original | N/A | | | | | | |
| 161 | | | | Original | N/A | | | | | | |
| 162 | | | | Updated | 7/1/2016 | | | | | | |
| 163 | | | | Original | N/A | | | | | | |
| 164 | | | | Original | N/A | | | | | | |

| S | A | B | C | D | | | E Eligible Organization Information | F | 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) | | |
| Redacted | | | | | | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | |
| 165 | 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 list of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes." | Redacted | Redacted | Church Plan | Self-insured | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | |
| 166 | Redacted | 9/1/2016 | Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB | Don Guanella Village of the Archdiocese of Philadelphia | Redacted | Non-profit | Yes | "a list of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes." | Redacted | Redacted | Church Plan | Self-insured | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | |
| 167 | Redacted | 9/1/2016 | Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB | Divine Providence Village | Redacted | Non-profit | Yes | "a list of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes." | Redacted | Redacted | Church Plan | Self-insured | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | |
| 168 | Redacted | 9/1/2016 | Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB | Philadelphia Protectory for Boys d/b/a St. Gabriel's System | Redacted | Non-profit | Yes | "a list of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes." | Redacted | Redacted | Church Plan | Self-insured | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | |
| 169 | Redacted | 9/1/2016 | Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB | Catholic Community Services Inc. | Redacted | Non-profit | Yes | "a list of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes." | Redacted | Redacted | Church Plan | Self-insured | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | |
| 170 | Redacted | 9/1/2016 | Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB | Nutritional Development Services Inc. | Redacted | Non-profit | Yes | "a list of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes." | Redacted | Redacted | Church Plan | Self-insured | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | |
| 171 | Redacted | 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 | Redacted | Non-profit | Yes | "a list of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes." | Redacted | Redacted | Church Plan | Self-insured | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | |
| 172 | Redacted | 9/1/2016 | Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB | St. John Vianney Center | Redacted | Non-profit | Yes | "a list of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes." | Redacted | Redacted | Church Plan | Self-insured | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | |
| 173 | Redacted | 9/1/2016 | Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB | Catholic Clinical Consultants | Redacted | Non-profit | Yes | "a list of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes." | Redacted | Redacted | Church Plan | Self-insured | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | |
| 174 | Redacted | 9/1/2016 | Litigation: Catholic Charities Archdiocese of Philadelphia 3rd Circuit 2:14-cv-03096-AB | Roman Catholic Archdiocese of Philadelphia | Redacted | Non-profit | Yes | "a list of the required contraceptive services with the exception of the prescription and use of contraceptive medications for non-contraceptive medical purposes." | Redacted | Redacted | Church Plan | Self-insured | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | |
| 175 | Redacted | 9/15/2015 | Litigation: Diocese of Cheyenne 10th Circuit court 14-8040 | Diocese of Cheyenne | 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 | Redacted | Church Plan | Self-insured | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | |
| 176 | Redacted | 9/15/2015 | Litigation: Diocese of Cheyenne 10th Circuit court 14-8040 | Catholic Charities of Wyoming | 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 | Redacted | Church Plan | Self-insured | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | |
| 177 | Redacted | 9/15/2015 | Litigation: Diocese of Cheyenne 10th Circuit court 14-8040 | Saint Joseph's Children's Home | 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 | Redacted | Church Plan | Self-insured | Redacted | Redacted | Redacted | Redacted | Redacted | Redacted | |

| M | N | O | P | Q | R | S | T | U | V | W |
|--|---------------------------------|---|--|--|---|--|---|---|-------|---|
| Service Provider Information | | | Original information or updated information? | For updated information, date the information is effective | Action Taken | | | | | |
| 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 updated information, summary of charges | 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 | |
| 165 | Redacted | Redacted | Redacted | Original | N/A | Redacted | | | | |
| 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 | | | | | |

| S | A | B | C | D | | E Eligible Organization Information | F | G | H | I | | | L Plan Information |
|-----|-----------------|----------------------------|--|---|---|--|---|---|---|-----------|--|--|-----------------------|
| | | | | Received via mail or e-mail | Name of eligible organization | | | | | Plan name | Plan type (Student Plan, Church Plan, Other) | Fully insured, self-insured or both? | |
| 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 | | Redacted | Church Plan | Self-insured | Redacted |
| 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 provide, procure, or facilitate 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 | |
| 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." | | | | | |
| 180 | | 9/15/2015 | Litigation: Colorado Christian University 10th Circuit Court 14-1329 | Colorado Christian University (employee) | | Non-profit | Yes | "coverage for all services, drugs, and devices that could terminate human life from the moment of conception including medical abortions, emergency contraceptives like 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 | |

| M | N | O | P | Q | R | S | T | U | V | W |
|--|---------------------------------|---|--|--|---|--|---|---|-------|---|
| Service Provider Information | | | Original information or updated information? | For updated information, date the information is effective | Action Taken | | | | | |
| 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 updated information, summary of charges | 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 | |
| 178 | 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 | | | | | | |
| 184 | | | Original | N/A | | | | | | |
| 185 | | | Original | N/A | | | | | | |
| 186 | | | Original | N/A | | | | | | |
| 187 | | | Original | N/A | | | | | | |
| 188 | | | Original | N/A | | | | | | |
| 189 | | | Original | N/A | | | | | | |
| 190 | | | Original | N/A | | | | | | |
| 191 | | | Original | N/A | | | | | | |

| S | A | B | C | D | | | E Eligible Organization Information | F | G | H | I | | | J Plan Information | K | L |
|----|-----------------|----------------------------|--|---|-------------------------------|---|--|------------|-----|--|-----------|--|--------------------------------------|-----------------------|---|---|
| | | | | Received via mail or e-mail | Name of eligible organization | Contact information for eligible organization | | | | | Plan name | Plan type (Student Plan, Church Plan, Other) | Fully insured, self-insured or both? | | | |
| 6 | Tracking number | Date notification received | Received via mail or e-mail | Name of eligible organization | Redacted | Redacted | 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 | 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 | Redacted | Redacted | Non-profit | Yes | "contraception abortion-inducing drugs or devices sterilization and related counseling" | Redacted | Other | Fully-insured | | | |
| 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. | Redacted | Redacted | Redacted | Non-profit | Yes | "contraception abortion-inducing drugs or devices sterilization and related counseling" | Redacted | 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 14-13239 | THE ROMAN CATHOLIC ARCHDIOCESE OF ATLANTA an association of churches and schools | Redacted | Redacted | Redacted | Non-profit | Yes | "abortion-inducing products contraception sterilization and related counseling" "unless they are necessary for medically diagnosed conditions unrelated to contraception." | Redacted | 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 | Redacted | Redacted | Redacted | Non-profit | Yes | "abortion-inducing products contraception sterilization and related counseling" "unless they are necessary for medically diagnosed conditions unrelated to contraception." | Redacted | 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 | Redacted | Redacted | Redacted | Non-profit | Yes | "abortion-inducing products contraception sterilization and related counseling" "unless they are necessary for medically diagnosed conditions unrelated to contraception." | Redacted | 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 | Catholic Education of North Georgia Inc. (CENGI) | Redacted | Redacted | Redacted | Other | Yes | "abortion-inducing products contraception sterilization and related counseling" "unless they are necessary for medically diagnosed conditions unrelated to contraception." | Redacted | 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 | Redacted | Redacted | Redacted | Non-profit | Yes | "abortion-inducing products contraception sterilization and related counseling" "unless they are necessary for medically diagnosed conditions unrelated to contraception." | Redacted | 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. | Redacted | Redacted | Redacted | Non-profit | Yes | "abortion-inducing products contraception sterilization and related counseling" "unless they are necessary for medically diagnosed conditions unrelated to contraception." | Redacted | Church Plan | Self-Insured | | | |
| 19 | | 10/6/2016 | Eternal Word Television Network v. Burwell No. 14-12896 | Eternal Word Television Network Inc. | Redacted | Redacted | Redacted | Non-profit | Yes | "artificial contraception sterilization or abortion or related education and counseling." | Redacted | other | Self-Insured | | | |
| 20 | | 11/ /2016 | Email/mail | Bick Group Inc. | Redacted | Redacted | Redacted | Other | Yes | "all contraceptive services" | Redacted | Other | Fully-insured | | | |
| 20 | | 11/9/2016 | Email | The Energy Lab INC | Redacted | Redacted | Redacted | Other | No | All | Redacted | Other | Fully-insured | | | |
| 20 | | 11/2 /2016 | Email | Marian University | Redacted | Redacted | Redacted | Non-profit | No | All | Redacted | Church Plan | 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 charges | 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 |
| 192 | Redacted | Redacted | Redacted | Original | N/A | Redacted | | | | |
| 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 | Eligible Organization Information | | G | H | Plan Information | | | L | |
|-----|-----------------------------|--|--|--|-----------------------------------|---|--|---|---|-----------|--|--------------------------------------|----------|
| | | | | | 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? | |
| 6 | Tracking number Redacted | Date notification received 11/29/2016 | Received via mail or e-mail? Litigation: Louisiana College v. Burwell I et al. No. 14-31167 | Name of eligible organization 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, LCU's employee health plan does cover contraceptives that prevent ovulation." Sec. Am. Compl. Dist. Ct. Dkt 77 at ¶ 57 | Redacted | Church Plan | self-insured | Redacted |
| 204 | | | | | | | | | | | | | |
| 205 | | | | | | | | | | | | | |
| 206 | | | | | | | | | | | | | |
| 207 | | | | | | | | | | | | | |
| 208 | | | | | | | | | | | | | |
| 209 | | | | | | | | | | | | | |

| S | M | N | O | P | Q | R | S | T | U | V | W |
|------------------------------|--|---------------------------------|---|---|--|---|--|---|---|-------|---|
| Service Provider Information | | | Original Information or updated 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) | | 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 | |
| 204 | Redacted | Redacted | Redacted | | Original | N/A | Redacted | | | | |
| 205 | | | | | Updated | 4/1/2017 | | | | | |
| 206 | | | | | | | | | | | |
| 207 | | | | | | | | | | | |
| 208 | | | | | | | | | | | |
| 209 | | | | | | | | | | | |

Redacted

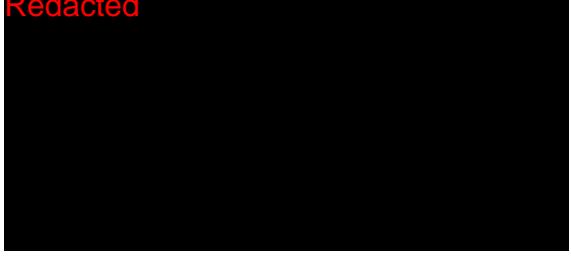


Exhibit B

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%).