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

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

Plaintiffs,

v.

UNITED STATES OF AMERICA, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, ALEX AZAR, in his Official Capacity as SECRETARY OF HEALTH AND HUMAN SERVICES, UNITED STATES INTERNAL REVENUE SERVICE, AND CHARLES P. RETTIG, in his Official Capacity as COMMISSIONER OF INTERNAL REVENUE,

Defendants.

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

PLAINTIFFS' STATUS REPORT

Plaintiffs, by and through counsel, and pursuant to the Court's December 4, 2018 Order, ECF No. 124, hereby submit the following status report:

- 1. During a hearing before the Court on October 29, 2018, the parties agreed that Plaintiffs will disclose to Defendants information concerning the Health Insurance Providers Fee ("HIPF") for tax years 2014, 2015, and 2016. The purpose of the disclosure is to try to work toward agreement on the amount of the HIPF the Court should disgorge from Defendants to each Plaintiff in a final judgment.
- 2. On December 4, 2018, pursuant to the parties' request, the Court entered a Protective Order, which enabled Plaintiffs to begin disclosing the HIPF

information. ECF No. 123. Shortly after the Court entered that order, Plaintiffs began transmitting documents to Defendants, and have transferred documents from three States. Plaintiffs continue to work diligently to gather and disclose relevant documents from each of the remaining Plaintiffs, but need more time to complete these tasks.

- 3. On January 8, 2019, Defendants filed a motion to stay their obligations to provide joint status reports to the Court during the federal government shutdown. ECF No. 125. Plaintiffs do not object to the Court relieving Defendants of that obligation during the shutdown. However, Plaintiffs will continue to gather and disclose HIPF documents to Defendants and will continue to report their progress to the Court every thirty days.
- 4. Plaintiffs respectfully request that they be allowed to continue to gather and disclose the HIPF documents and update the Court on their progress on February 8, 2019.
- 5. Plaintiffs' counsel informed Defendants' counsel of their intent to file this Status Report prior to filing it.

Respectfully submitted this 9th day of January, 2019.

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COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2019, I electronically filed the foregoing document through the Court's ECF system, which automatically serves notification of the filing on counsel for all parties.

<u>/s/ David J. Hacker</u> DAVID J. HACKER