#### IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

ASSOCIATION FOR COMMUNITY AFFILIATED PLANS, et al.,

Plaintiffs,

٧.

Civil Action No. 18-cv-2133

UNITED STATES DEPARTMENT OF TREASURY, et al.,

Defendants.

#### DECLARATION OF ANDREW A. LYONS-BERG

- I, Andrew A. Lyons-Berg, hereby declare as follows:
- 1. I have personal knowledge of the following facts, and if called as a witness I could and would testify competently as to their truth.
  - 2. I am employed as an attorney by the law firm Mayer Brown LLP.
- 3. On March 15, 2019, I visited the website <u>ehealthinsurance.com</u>, which describes itself as "the leading online marketplace for individual[] and family health insurance products in the nation."
- 4. I used the website's search functionality to search for short-term health insurance plans in the Houston, Texas zip code 77001, for a hypothetical non-smoking male born on January 1, 1989. I then filtered the results to show only plans with a duration of twelve months. A screenshot of the resulting webpage is attached as Exhibit A. As shown in Exhibit A, the search returned 53 plans.

<sup>&</sup>lt;sup>1</sup> Our Story, eHealth (2019), https://www.ehealthinsurance.com/about-ehealth/our-story.

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5. I performed the same search for the Dayton, Ohio zip code 45402, again filtering

for twelve-month duration. A screenshot of the resulting webpage is attached as Exhibit B. As

shown in Exhibit B, the search returned 53 plans.

6. I performed the same search for the Racine, Wisconsin zip code 53404, again

filtering for twelve-month duration. A screenshot of the resulting webpage is attached as Exhibit

C. As shown in Exhibit C, the search returned 53 plans.

7. I performed the same search for the Pittsburgh, Pennsylvania zip code 15213, again

filtering for twelve-month duration. A screenshot of the resulting webpage is attached as Exhibit

D. As shown in Exhibit D, the search returned 20 plans.

8. I then filtered the results for the search of Pittsburgh zip code 15213 to display only

plans with a duration of thirty-six months. A screenshot of the resulting webpage is attached as

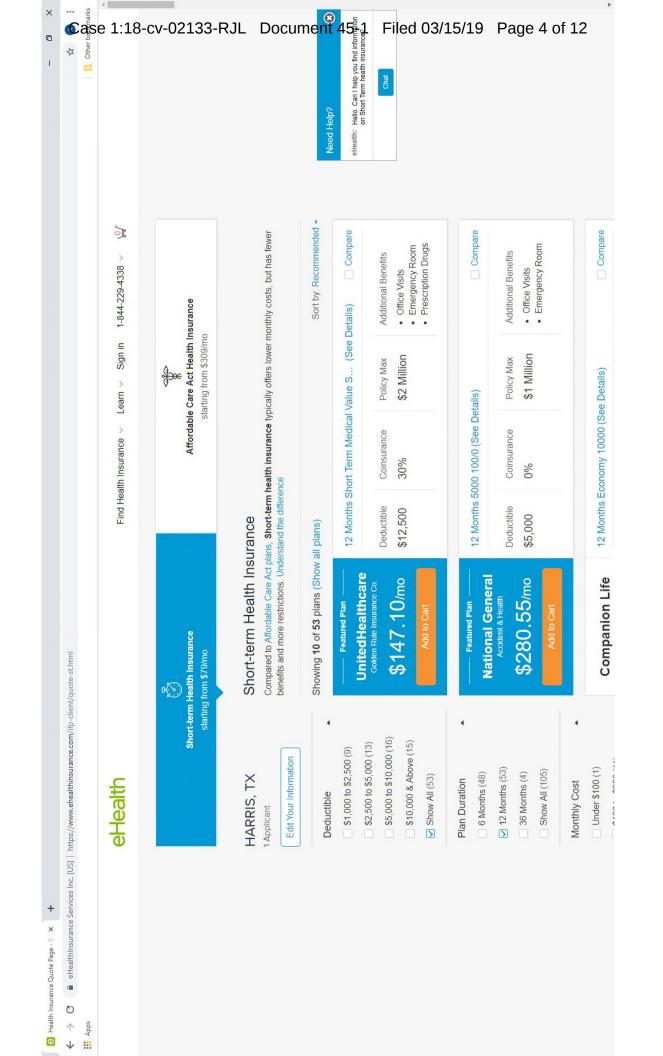
Exhibit E. As shown in Exhibit E, the search returned 4 plans.

I declare under penalty of perjury that the foregoing is true and correct to the best of my

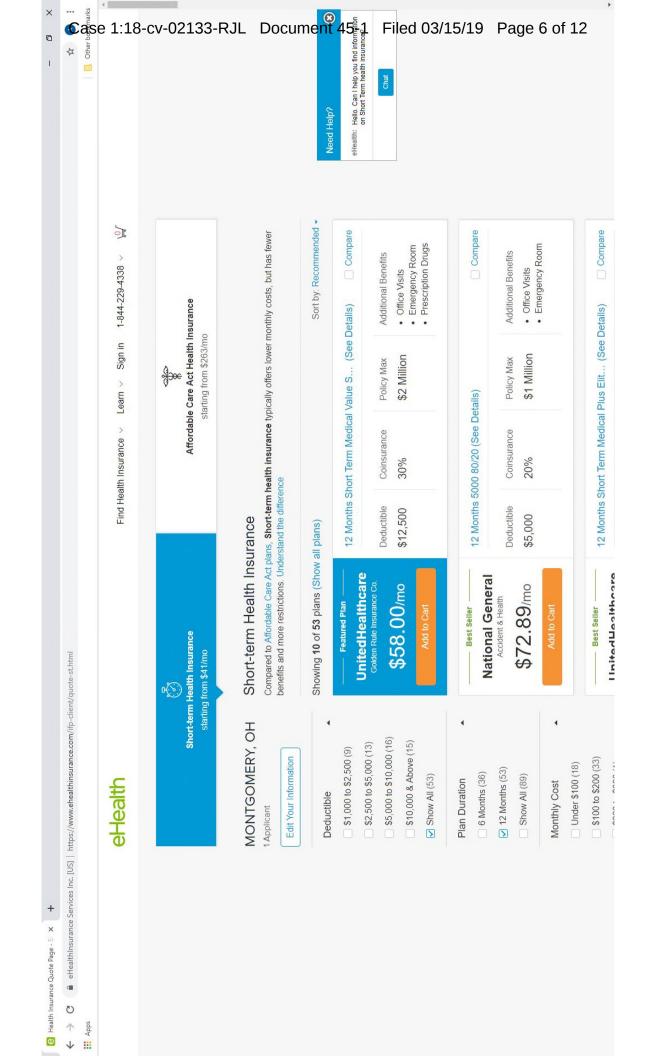
knowledge and belief. Executed on March 15, 2019, at Washington, DC.

Andrew A. Lyons-Berg

## Exhibit A



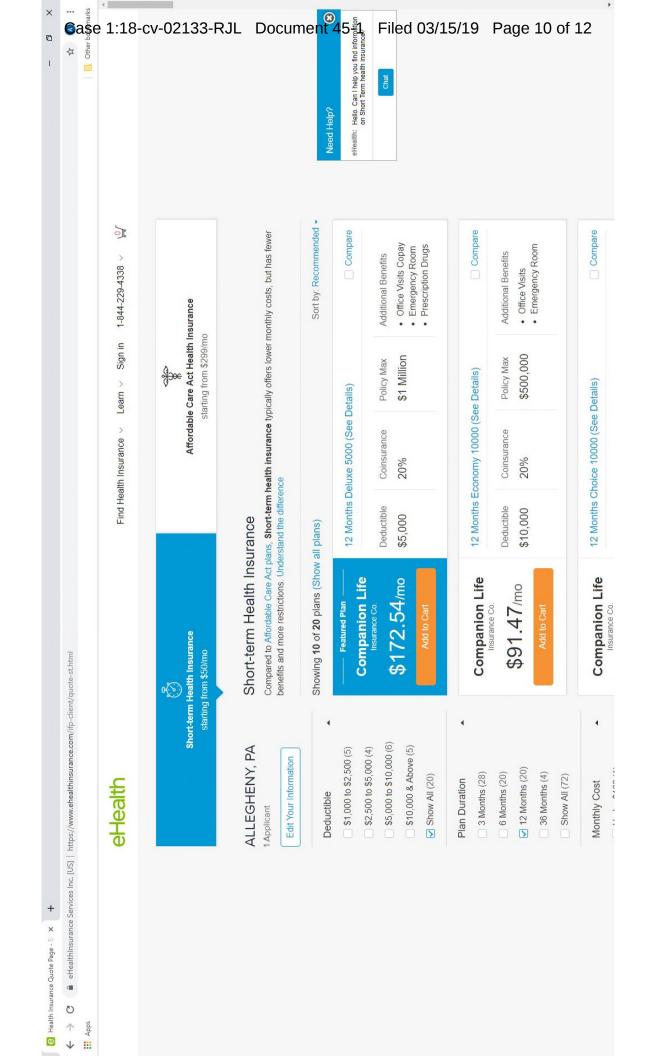
## Exhibit B



## Exhibit C



# Exhibit D



## Exhibit E

