

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION FOR COMMUNITY  
AFFILIATED PLANS, et al.,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT OF  
TREASURY, et al.,

*Defendants.*

Civil Action No. 18-cv-2133

**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 [ehealthinsurance.com](http://ehealthinsurance.com), which describes itself as “the leading online marketplace for individual[] and family health insurance products in the nation.”<sup>1</sup>
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.

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

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



Find Health Insurance ▾ Learn ▾ Sign in 1-844-229-4338 ▾

**Short-term Health Insurance**  
starting from \$79/mo

**Affordable Care Act Health Insurance**  
starting from \$309/mo

HARRIS, TX

1 Applicant

[Edit Your Information](#)

### Short-term Health Insurance

Compared to Affordable Care Act plans, **Short-term health insurance** typically offers lower monthly costs, but has fewer benefits and more restrictions. [Understand the difference](#)

Showing 10 of 53 plans (Show all plans)

Sort by: Recommended ▾

Deductible

☐ \$1,000 to \$2,500 (9)

☐ \$2,500 to \$5,000 (13)

☐ \$5,000 to \$10,000 (16)

☐ \$10,000 & Above (15)

☒ Show All (53)

Plan Duration

☐ 6 Months (48)

☒ 12 Months (53)

☐ 36 Months (4)

☐ Show All (105)

Monthly Cost

☐ Under \$100 (1)

<div><div>Featured Plan</div><div><b>UnitedHealthcare</b> Golden Rule Insurance Co.</div><div><b>\$147.10/mo</b></div><div>Add to Cart</div></div>	<div>12 Months Short Term Medical Value S... (See Details)</div> <div><div>Deductible \$12,500</div><div>Coinsurance 30%</div><div>Policy Max \$2 Million</div><div>Additional Benefits<ul style="list-style-type: none"><li>Office Visits</li><li>Emergency Room</li><li>Prescription Drugs</li></ul></div></div> <div><input type="checkbox"/> Compare</div>
<div><div>Featured Plan</div><div><b>National General</b> Accident &amp; Health</div><div><b>\$280.55/mo</b></div><div>Add to Cart</div></div>	<div>12 Months 5000 100/0 (See Details)</div> <div><div>Deductible \$5,000</div><div>Coinsurance 0%</div><div>Policy Max \$1 Million</div><div>Additional Benefits<ul style="list-style-type: none"><li>Office Visits</li><li>Emergency Room</li></ul></div></div> <div><input type="checkbox"/> Compare</div>
<div><b>Companion Life</b></div>	<div>12 Months Economy 10000 (See Details)</div> <div><input type="checkbox"/> Compare</div>

**Need Help?**

eHealth: Hello. Can I help you find information on Short Term health insurance?

Chat

# Exhibit B

Find Health Insurance  Learn  Sign in  1-844-229-4338  

**Short-term Health Insurance**  
starting from \$41/mo

**Affordable Care Act Health Insurance**  
starting from \$263/mo

## Short-term Health Insurance

Compared to *Affordable Care Act* plans, **Short-term health insurance** typically offers lower monthly costs, but has fewer benefits and more restrictions. Understand the difference

Edit Your Information

Showing 10 of 53 plans (Show all plans)

Sort by: Recommended

Featured Plan

**UnitedHealthcare**  
Golden Rule Insurance Co.

**\$58.00/mo**

Add to Cart

12 Months Short Term Medical Value S... (See Details)					<input type="checkbox"/> Compare		
Deductible	\$12,500	Coinsurance	30%	Policy Max	\$2 Million	Additional Benefits	<ul style="list-style-type: none"><li>• Office Visits</li><li>• Emergency Room</li><li>• Prescription Drugs</li></ul>

**Best Seller**

**National General**  
Accident & Health

**\$72.89/mo**

[Add to Cart](#)

12 Months 5000 80/20 (See Details)				<input type="checkbox"/> Compare
Deductible	Coinurance	Policy Max	Additional Benefits	
\$5,000	20%	\$1 Million	<ul style="list-style-type: none"><li>• Office Visits</li><li>• Emergency Room</li></ul>	

— Best Seller —

**United Healthcare**

12 Months Short Term Medical Plus Elit... (See Details)

100

# Exhibit C



Find Health Insurance ▾ Learn ▾ Sign in 1-844-229-4338 ▾

Short-term Health Insurance  
starting from \$51/mo

Affordable Care Act Health Insurance  
starting from \$499/mo

RACINE, WI

1 Applicant

[Edit Your Information](#)

### Short-term Health Insurance

Compared to Affordable Care Act plans, **Short-term health insurance** typically offers lower monthly costs, but has fewer benefits and more restrictions. [Understand the difference](#)

Showing 10 of 53 plans (Show all plans)

Sort by: Recommended ▾

**Deductible**

☐ \$1,000 to \$2,500 (9)

☐ \$2,500 to \$5,000 (13)

☐ \$5,000 to \$10,000 (16)

☐ \$10,000 & Above (15)

☒ Show All (53)

Featured Plan

Companion Life  
Insurance Co.

\$79.72/mo

Add to Cart

12 Months Economy 10000 (See Details)				<input type="checkbox"/> Compare
Deductible	Coinurance	Policy Max	Additional Benefits	
\$10,000	20%	\$500,000	• Office Visits • Emergency Room	

**Plan Duration**

☐ 6 Months (48)

☒ 12 Months (53)

☐ Show All (101)

**Monthly Cost**

☐ Under \$100 (10)

☐ \$100 to \$200 (35)

Best Seller

National General  
Accident & Health

\$86.95/mo

Add to Cart

12 Months 5000 80/20 (See Details)				<input type="checkbox"/> Compare
Deductible	Coinurance	Policy Max	Additional Benefits	
\$5,000	20%	\$1 Million	• Office Visits • Emergency Room	

Best Seller

UnitedHealthcare

12 Months Short Term Medical Value S... (See Details)				<input type="checkbox"/> Compare
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Need Help?

eHealth: Hello. Can I help you find information on Short Term health insurance?

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# Exhibit D



Find Health Insurance ▾ Learn ▾ Sign in 1-844-229-4338 ▾

Short-term Health Insurance  
starting from \$50/mo

Affordable Care Act Health Insurance  
starting from \$299/mo

### ALLEGHENY, PA

1 Applicant

[Edit Your Information](#)

### Short-term Health Insurance

Compared to Affordable Care Act plans, **Short-term health insurance** typically offers lower monthly costs, but has fewer benefits and more restrictions. [Understand the difference](#)

Showing 10 of 20 plans (Show all plans) Sort by: Recommended ▾

Deductible

☐ \$1,000 to \$2,500 (5)

☐ \$2,500 to \$5,000 (4)

☐ \$5,000 to \$10,000 (6)

☐ \$10,000 & Above (5)

☒ Show All (20)

Featured Plan

Companion Life Insurance Co.

\$172.54/mo

Add to Cart

12 Months Deluxe 5000 (See Details) <input type="checkbox"/> Compare			
Deductible	Coinsurance	Policy Max	Additional Benefits
\$5,000	20%	\$1 Million	<ul style="list-style-type: none"><li>Office Visits Copay</li><li>Emergency Room</li><li>Prescription Drugs</li></ul>

Plan Duration

☐ 3 Months (28)

☐ 6 Months (20)

☒ 12 Months (20)

☐ 36 Months (4)

☐ Show All (72)

Companion Life Insurance Co.

\$91.47/mo

Add to Cart

12 Months Economy 10000 (See Details) <input type="checkbox"/> Compare			
Deductible	Coinsurance	Policy Max	Additional Benefits
\$10,000	20%	\$500,000	<ul style="list-style-type: none"><li>Office Visits</li><li>Emergency Room</li></ul>

Monthly Cost

Companion Life Insurance Co.

12 Months Choice 10000 (See Details) <input type="checkbox"/> Compare			
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Need Help?

eHealth: Hello. Can I help you find information on Short Term health insurance?

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# Exhibit E



Find Health Insurance ▾ Learn ▾ Sign in 1-844-229-4338 ▾

Short-term Health Insurance  
starting from \$50/mo

Affordable Care Act Health Insurance  
starting from \$299/mo

## ALLEGHENY, PA

1 Applicant

[Edit Your Information](#)

## Short-term Health Insurance

Compared to Affordable Care Act plans, **Short-term health insurance** typically offers lower monthly costs, but has fewer benefits and more restrictions. [Understand the difference](#)

Showing 4 of 4 plans

Sort by: Recommended ▾

Deductible

☐ \$1,000 to \$2,500 (1)  
☐ \$2,500 to \$5,000 (1)  
☐ \$5,000 to \$10,000 (2)  
☐ \$10,000 & Above (0)  
☒ Show All (4)

Plan Duration

☐ 3 Months (28)  
☐ 6 Months (20)  
☐ 12 Months (20)  
☒ 36 Months (4)  
☐ Show All (72)

Monthly Cost

Featured Plan

LifeShield National

Insurance Co.

\$104.36/mo

Add to Cart

36 Months STM \$7,500/80% (See Details)

Deductible

\$7,500

Coinurance

20%

Policy Max

\$750,000

Additional Benefits

- Office Visits Copay
- Emergency Room
- Prescription Drugs

Compare

LifeShield National

Insurance Co.

\$111.52/mo

Add to Cart

36 Months STM \$5,000/80% (See Details)

Deductible

\$5,000

Coinurance

20%

Policy Max

\$750,000

Additional Benefits

- Office Visits Copay
- Emergency Room
- Prescription Drugs

Compare

LifeShield National

Insurance Co.

36 Months STM \$2,500/80% (See Details)

Compare

Need Help?

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