

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

MONTE A. ROSE, JR., <i>et al.</i> ,	)	
	)	
Plaintiffs.	)	
	)	
v.	)	
	)	No. 1:19-cv-02848-JEB
XAVIER BECERRA, in his official capacity as	)	
Secretary of Health and Human Services, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

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**PLAINTIFFS’ MOTION FOR LEAVE TO FILE SUPPLEMENTAL DECLARATION**

Plaintiffs seek the Court’s permission to file the Supplemental Declaration of Emily Rames (copy attached as Exhibit A), to clarify her standing to bring this lawsuit. This Supplemental Declaration confirms Ms. Rames’s household size, a fact already evident in her initial declaration dated March 13, 2024. *See* ECF No. 54-4. Plaintiffs reasonably believed that her initial declaration was sufficient to establish standing based on her income level and pending consequences for failure to pay premiums. Federal Defendants have continued to question her standing based on the initial declaration’s lack of an explicit statement regarding Ms. Rames’s marital and parental status. *See* ECF No. 62 at 4. In the interest of avoiding any doubt, Plaintiffs submit the attached Supplemental Declaration confirming that she is unmarried and has no dependent children. Good cause exists to grant this motion, in support of which Plaintiffs state as follows:

1. The Court may allow plaintiffs to support standing, even after the completion of briefing and oral argument, where plaintiffs “reasonably, but mistakenly, believed, that the initial filings before the court had sufficiently demonstrated standing.” *Wellness Pharmacy, Inc. v. Becerra*, No. 20-CV-3082, 2021 WL 4284567, at \*12, n.7 (D.D.C. Sept. 21, 2021) (quoting *Twin Rivers Paper Co. LLC v. Sec. & Exch. Comm’n*, 934 F.3d 607, 614 (D.C. Cir. 2019)).

2. As Plaintiffs already noted, Ms. Rames’s “declaration clearly establishes that her income level is above 100% of FPL for her household size, meaning she will lose coverage if she does not pay premiums.” ECF No. 59 at 5. In her declaration, Ms. Rames stated that her gross income was approximately \$17,790 in 2023. ECF No. 54-4 ¶ 2. In addition, she stated that “given [h]er income, if [she] does not pay the monthly premium, [she] will lose [her] Medicaid coverage.” *Id.* ¶ 13.

3. Federal Defendants argue that to show her household size, she needed to explicitly say that she is unmarried and has no dependent children. *See* ECF No. 62 at 4. While Plaintiffs maintain that Ms. Rames’s initial declaration establishes her household size, in the interest of clarity, Plaintiffs seek to file a supplemental declaration confirming that her household size is one for the purpose of determining her income level.

4. Pursuant to Local Civil Rule 7(m), on May 24, 2024, undersigned counsel advised counsel for Federal Defendants and Defendant-Intervenor of this anticipated motion and inquired as to their positions. Counsel for Defendant-Intervenor stated that Defendant-Intervenor takes no position on the motion, but does reserve the right to file a response addressing the supplemental declaration. Counsel for Federal Defendants stated that Federal Defendants do not oppose the motion, but also reserve the right to file a response to the supplemented declaration.

WHEREFORE, the Plaintiffs respectfully request that the Court accepts Ms. Rames’s supplemental declaration for filing in this action.

Dated: May 28, 2024

Respectfully submitted,

/s/ Catherine McKee

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### **CERTIFICATE OF SERVICE**

I hereby certify that on May 28, 2024, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send an electronic notice to all authorized CM/ECF filers in this case.

By: /s/ Catherine McKee  
Catherine McKee

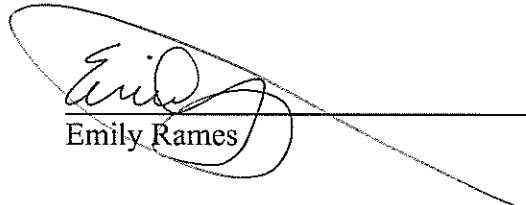
# Exhibit A

### Supplemental Declaration of Emily Rames

1. I submitted a declaration in this matter, which was dated March 13, 2024. The statements I made in that declaration remain true and correct, with the exception of the statement in paragraph 11. I have now received a notice that discusses POWER Account Contributions. The notice, dated April 4, 2024, told me that I will owe \$20 per month based on my income. It informed me that "in a few days" I would receive an invoice with a due date. I have not yet gotten an invoice.
2. I am not married.
3. I have no children.
4. To my knowledge, I am not pregnant.

I declare under penalty of perjury that the above information is true and correct.

5/28/2024  
Date

  
Emily Rames

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No. 1:19-cv-02848-JEB

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR LEAVE TO FILE  
SUPPLEMENTAL DECLARATION**

With the Court having considered Plaintiffs' Motion for Leave to File Supplemental Declaration, Plaintiffs' motion is GRANTED. It is FURTHER ORDERED that the Supplemental Declaration of Emily Rames is accepted for filing.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2024.

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HON. JAMES E. BOASBERG