

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

ASSOCIATION FOR COMMUNITY  
AFFILIATED PLANS;  
NATIONAL ALLIANCE ON  
MENTAL ILLNESS;  
MENTAL HEALTH AMERICA;  
AMERICAN PSYCHIATRIC  
ASSOCIATION;  
AIDS UNITED;  
THE NATIONAL PARTNERSHIP  
FOR WOMEN & FAMILIES;  
LITTLE LOBBYISTS, LLC,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT  
OF TREASURY;  
U.S. DEPARTMENT OF LABOR;  
U.S. DEPARTMENT OF HEALTH  
AND HUMAN SERVICES;  
ALEX M. AZAR II, IN HIS  
OFFICIAL CAPACITY AS  
SECRETARY OF HEALTH AND  
HUMAN SERVICES;  
PATRICK PIZZELLA, IN HIS  
OFFICIAL CAPACITY AS ACTING  
SECRETARY OF LABOR;  
STEVEN MNUCHIN, IN HIS  
OFFICIAL CAPACITY AS  
SECRETARY OF THE TREASURY;  
UNITED STATES OF AMERICA,

*Defendants.*

No. 19-5212

## APPELLANTS' STATEMENT OF THE ISSUES

In accordance with this Court's Order of July 31, 2019, plaintiffs-appellants submit this statement of issues to be raised in this case.

In this case, the federal agency defendants promulgated a rule providing that "short-term, limited duration" insurance ("STLDI") plans—which are exempt from the requirements of the Affordable Care Act (ACA), 124 Stat. 119—may last for any period up to a year and may be extended for up to 36 months.

The issues for appeal are whether are whether the agencies' promulgation of this rule, which allows for the creation of a market for individual STLDI health insurance that will compete with ACA-compliant plans, was arbitrary or capricious or contrary to law.

Respectfully submitted,

Dated: August 30, 2019

/s/ Charles A. Rothfeld

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\*\* Member of the New York Bar only. Not admitted in the District of Columbia. Practicing under the supervision of firm principals.

**CERTIFICATE OF SERVICE**

I hereby certify that on August 30, 2019, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification to all counsel of record in this matter who are registered with the Court's CM/ECF system.

/s/ Charles A. Rothfeld  
Charles A. Rothfeld