

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

STATE OF MISSOURI, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 4:24-cv-00937-JAR
	)	
XAVIER BECERRA, in his official	)	
Capacity as Secretary of Health and	)	
Human Services, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

ANSWER TO COMPLAINT

Pursuant to Federal Rules of Civil Procedure 8 and 12, Defendants Xavier Becerra, in his official capacity as Secretary of the United States Department of Health and Human Services (“Secretary Becerra”); United States Department of Health and Human Services (“HHS”); Melanie Fontes Rainer, in her official capacity as Director of the Office for Civil Rights of the United States Department of Health and Human Services (“Director Fontes Rainer”); Office for Civil Rights of the United States Department of Health and Human Services; Chiquita Brooks-LaSure, in her official capacity as Administrator of the Centers for Medicare & Medicaid Services; and Centers for Medicare & Medicaid Services (collectively, “Defendants”), hereby answer the Complaint, ECF No. 1, of Plaintiffs State of Missouri; State of Utah; State of North Dakota; State of South Dakota; State of Iowa; State of Idaho; State of Arkansas; and American College of Pediatricians (“ACPeds,” and collectively with the other plaintiffs, “Plaintiffs”) as follows<sup>1</sup>:

---

<sup>1</sup> Defendants do not incorporate herein the headings and subheadings from the Complaint, to which a response is not required. To the extent any headings or subheadings could be construed to contain factual allegations, those allegations are denied.

1. This paragraph states legal conclusions, to which no response is required.

2. This paragraph states legal conclusions, to which no response is required.

3. This paragraph states legal conclusions, to which no response is required.

4. This paragraph states legal conclusions, to which no response is required.

5. No response is required to this paragraph, which describes the relief sought by Plaintiffs. To the extent a response is required, denied that Plaintiffs are entitled to the relief sought, or any relief.

6. This paragraph describes an HHS rule and several judicial opinions. Defendants refer the Court to those documents for a complete and accurate description of their contents, and deny the allegations in this paragraph to the extent inconsistent with those documents.

7. This paragraph states legal conclusions, to which no response is required. The paragraph otherwise describes the relief sought by Plaintiffs, to which no response is required. To the extent a response is required, denied that Plaintiffs are entitled to the relief sought, or any relief.

8. No response is required to this paragraph, which describes the relief sought by Plaintiffs. To the extent a response is required, denied that Plaintiffs are entitled to the relief sought, or any relief.

9. This paragraph states legal conclusions, to which no response is required.

10. This paragraph states legal conclusions, to which no response is required.

11. This paragraph states legal conclusions, to which no response is required.

12. This paragraph states legal conclusions, to which no response is required.

13. This paragraph states legal conclusions, to which no response is required.

14. This paragraph states legal conclusions, to which no response is required.

15. This paragraph states legal conclusions, to which no response is required.

16. This paragraph states legal conclusions, to which no response is required.

17. This paragraph states legal conclusions, to which no response is required.

18. Admitted.

19. This paragraph states legal conclusions, to which no response is required.

20. This paragraph states legal conclusions, to which no response is required.

21. The first sentence states legal conclusions, to which no response is required.

Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the second sentence.

22. This paragraph states legal conclusions, to which no response is required.

23. Admitted that Missouri is a state. This paragraph otherwise states legal conclusions, to which no response is required.

24. This paragraph states legal conclusions, to which no response is required.

25. This paragraph states legal conclusions, to which no response is required.

26. Admitted that, based on preliminary data received by HHS from Missouri, as of February 2024, 1,355,155 Missourians are receiving comprehensive Medicaid or CHIP benefits, with 1,260,376 receiving comprehensive Medicaid benefits, 94,779 receiving comprehensive CHIP benefits, and a total of 666,697 Missouri children receiving comprehensive Medicaid or CHIP benefits.

27. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

28. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

29. This paragraph states legal conclusions, to which no response is required.

30. Admitted that Utah is a state. This paragraph otherwise states legal conclusions, to which no response is required.

31. This paragraph states legal conclusions, to which no response is required.

32. Admitted that, based on preliminary data received by HHS from Utah, as of February 2024, 346,761 Utahns are receiving comprehensive Medicaid or CHIP benefits, with 313,162 receiving comprehensive Medicaid benefits, 33,599 receiving comprehensive CHIP benefits, and a total of 174,084 Utah children receiving comprehensive Medicaid or CHIP benefits.

33. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

34. This paragraph states legal conclusions, to which no response is required.

35. Admitted that Arkansas is a state. This paragraph otherwise states legal conclusions, to which no response is required.

36. This paragraph states legal conclusions, to which no response is required.

37. Admitted that, based on preliminary data received by HHS from Arkansas, as of February 2024, 778,355 Arkansans are receiving comprehensive Medicaid or CHIP benefits, with 740,363 receiving comprehensive Medicaid benefits, 37,992 receiving comprehensive CHIP benefits, and a total of 345,689 Arkansas children receiving comprehensive Medicaid or CHIP benefits.

38. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

39. This paragraph states legal conclusions, to which no response is required.

40. Admitted that Iowa is a state. This paragraph otherwise states legal conclusions, to which no response is required.

41. This paragraph states legal conclusions, to which no response is required.

42. Admitted that, based on preliminary data received by HHS from Iowa, as of February 2024, 699,225 Iowans are receiving comprehensive Medicaid or CHIP benefits, with 616,984 receiving comprehensive Medicaid benefits, 82,241 receiving comprehensive CHIP benefits, and a total of 342,082 Iowa children receiving comprehensive Medicaid or CHIP benefits.

43. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

44. This paragraph states legal conclusions, to which no response is required.

45. Admitted that North Dakota is a state. This paragraph otherwise states legal conclusions, to which no response is required.

46. Admitted that, based on preliminary data received by HHS from North Dakota, as of February 2024, 108,629 North Dakotans are receiving comprehensive Medicaid or CHIP benefits, with 105,026 receiving comprehensive Medicaid benefits, 3,603 receiving comprehensive CHIP benefits, and a total of 52,261 North Dakota children receiving comprehensive Medicaid or CHIP benefits.

47. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

48. This paragraph states legal conclusions, to which no response is required.

49. Admitted that South Dakota and Idaho are states. This paragraph otherwise states legal conclusions, to which no response is required.

50. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

51. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

52. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

53. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

54. No response is required to this paragraph, which describes the relief sought by Plaintiffs. To the extent a response is required, denied that Plaintiffs are entitled to the relief sought, or any relief.

55. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

56. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

57. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

58. Admitted that ACPeds has submitted additional alleged facts in declarations. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in those declarations.

59. Admitted.

60. Admitted.

61. Admitted.

62. Admitted.

63. Admitted.

64. Admitted.

65. Admitted.

66. Admitted.

67. Admitted.

68. Admitted.

69. This allegation sets forth a shorthand used in the Complaint to refer to the Defendants. Accordingly, no response is required.

70. Admitted that Congress passed and President Obama signed the Affordable Care Act (“ACA”). Defendants refer the Court to that statute for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with that statute.

71. Admitted this paragraph quotes a provision of the ACA with some emphases and alterations added. Defendants refer the Court to the ACA for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with that statute.

72. This paragraph states legal conclusions, to which no response is required.

73. This paragraph states legal conclusions, to which no response is required.

74. Admitted that Congress passed Title IX in 1972. Defendants refer the Court to that statute for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with that statute. This paragraph otherwise states legal conclusions, to which no response is required.

75. Admitted that this paragraph quotes from a provision of Title IX. Defendants refer the Court to that statute for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with that statute.

76. This paragraph states legal conclusions, to which no response is required.

77. This paragraph states legal conclusions, to which no response is required.
78. This paragraph states legal conclusions, to which no response is required.
79. This paragraph states legal conclusions, to which no response is required.
80. This paragraph states legal conclusions, to which no response is required.
81. This paragraph states legal conclusions, to which no response is required.
82. This paragraph states legal conclusions, to which no response is required.
83. This paragraph states legal conclusions, to which no response is required.
84. This paragraph states legal conclusions, to which no response is required.
85. This paragraph states legal conclusions, to which no response is required.
86. This paragraph states legal conclusions, to which no response is required.
87. This paragraph states legal conclusions, to which no response is required.
88. This paragraph states legal conclusions, to which no response is required.
89. This paragraph states legal conclusions, to which no response is required.
90. This paragraph states legal conclusions, to which no response is required.
91. This paragraph states legal conclusions, to which no response is required.
92. This paragraph states legal conclusions, to which no response is required.
93. This paragraph states legal conclusions, to which no response is required.
94. This paragraph states legal conclusions, to which no response is required.
95. This paragraph states legal conclusions, to which no response is required.
96. This paragraph states legal conclusions, to which no response is required.
97. This paragraph states legal conclusions, to which no response is required.
98. This paragraph states legal conclusions, to which no response is required.
99. This paragraph states legal conclusions, to which no response is required.



100. This paragraph states legal conclusions, to which no response is required.

101. This paragraph states legal conclusions, to which no response is required.

102. This paragraph states legal conclusions, to which no response is required.

103. This paragraph states legal conclusions, to which no response is required.

104. This paragraph states legal conclusions, to which no response is required.

105. This paragraph states legal conclusions, to which no response is required.

106. This paragraph states legal conclusions, to which no response is required.

107. Admitted that this paragraph cites a report on a federal government website regarding health spending. Defendants refer the Court to that report for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with that report.

108. Admitted that Medicare is a federal health care program for which age-based eligibility applies to those aged 65 or older, and that certain people who have certain disabilities or conditions are eligible for Medicare. The first sentence is otherwise denied. Admitted that the second sentence cites a report on a federal government website regarding health spending. Defendants refer the Court to that report for a complete and accurate description of its contents, and deny the allegations in the second sentence to the extent inconsistent with that report.

109. Admitted that this paragraph cites a report on a federal government website regarding Medicare. Defendants refer the Court to that report for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with that report.

110. Admitted that Medicaid is a joint federal and state program that provides health coverage for people with limited incomes. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the second and third sentences.

111. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

112. The first two sentences are admitted. Admitted that the third sentence cites an HHS press release. Defendants refer the Court to that press release for a complete and accurate description of its contents, and deny the allegations in the third sentence to the extent inconsistent with that press release.

113. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

114. This paragraph states legal conclusions, to which no response is required.

115. This paragraph states legal conclusions, to which no response is required.

116. This paragraph states legal conclusions, to which no response is required.

117. This paragraph states legal conclusions, to which no response is required.

118. This paragraph states legal conclusions, to which no response is required.

119. This paragraph states legal conclusions, to which no response is required.

120. This paragraph states legal conclusions, to which no response is required.

121. Admitted.

122. Admitted that OCR will accept complaints filed under the Rule. OCR's responses to complaints are based on the contents of the complaints and applicable law. This paragraph is otherwise denied.

123. This paragraph states legal conclusions, to which no response is required.

124. Admitted that President Biden signed the Executive Order cited in this paragraph. Defendants refer the Court to that Executive Order for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with that Executive Order.

125. Admitted that President Biden signed the Executive Order cited in this paragraph. Defendants refer the Court to that Executive Order for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with that Executive Order.

126. Denied.

127. Admitted that this paragraph quotes portions of statements of Secretary Becerra in various press releases. Defendants refer the Court to those press releases for a complete and accurate description of their contents, and deny the allegations in this paragraph to the extent inconsistent with the press releases.

128. Admitted that HHS issued a rule implementing Section 1557 on May 6, 2024 (the “Rule”). Defendants refer the Court to the Rule for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the Rule.

129. This paragraph states legal conclusions, to which no response is required.

130. Admitted that this paragraph quotes portions of statements of Secretary Becerra in a press release and testimony before Congress. Defendants refer the Court to the press release and testimony for a complete and accurate description of their contents, and deny the allegations in this paragraph to the extent inconsistent with the press release and testimony.

131. Admitted that this paragraph quotes portions of statements of Secretary Becerra in a press release. Defendants refer the Court to that press release for a complete and accurate

description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the press release.

132. Admitted that this paragraph quotes portions of statements of Director Fontes Rainer in a press release. Defendants refer the Court to that press release for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the press release.

133. Admitted that this paragraph quotes portions of statements that Director Fontes Rainer gave to a journalist as reported in a news article. Defendants refer the Court to that news article for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the news article.

134. Admitted that this paragraph quotes from a proclamation issued by President Biden. Defendants refer the Court to that proclamation for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with that proclamation.

135. This paragraph states legal conclusions, to which no response is required.

136. This paragraph states legal conclusions, to which no response is required.

137. This paragraph states legal conclusions, to which no response is required.

138. This paragraph states legal conclusions, to which no response is required.

139. This paragraph states legal conclusions, to which no response is required.

140. This paragraph states legal conclusions, to which no response is required.

141. This paragraph states legal conclusions, to which no response is required.

142. This paragraph states legal conclusions, to which no response is required.

143. This paragraph states legal conclusions, to which no response is required.

144. This paragraph states legal conclusions, to which no response is required.
145. This paragraph states legal conclusions, to which no response is required.
146. This paragraph states legal conclusions, to which no response is required.
147. This paragraph states legal conclusions, to which no response is required.
148. This paragraph states legal conclusions, to which no response is required.
149. This paragraph states legal conclusions, to which no response is required.
150. This paragraph states legal conclusions, to which no response is required.
151. This paragraph states legal conclusions, to which no response is required.
152. This paragraph states legal conclusions, to which no response is required.
153. This paragraph states legal conclusions, to which no response is required.
154. This paragraph states legal conclusions, to which no response is required.
155. This paragraph states legal conclusions, to which no response is required.
156. This paragraph states legal conclusions, to which no response is required.
157. This paragraph states legal conclusions, to which no response is required.
158. This paragraph states legal conclusions, to which no response is required.
159. This paragraph states legal conclusions, to which no response is required.
160. This paragraph states legal conclusions, to which no response is required.
161. This paragraph states legal conclusions, to which no response is required.
162. This paragraph states legal conclusions, to which no response is required.
163. This paragraph states legal conclusions, to which no response is required.
164. This paragraph states legal conclusions, to which no response is required.
165. This paragraph states legal conclusions, to which no response is required.
166. This paragraph states legal conclusions, to which no response is required.

167. This paragraph states legal conclusions, to which no response is required.

168. This paragraph states legal conclusions, to which no response is required.

169. This paragraph states legal conclusions, to which no response is required.

170. This paragraph states legal conclusions, to which no response is required.

171. This paragraph states legal conclusions, to which no response is required.

172. This paragraph states legal conclusions, to which no response is required.

173. This paragraph states legal conclusions, to which no response is required.

174. This paragraph states legal conclusions, to which no response is required.

175. This paragraph states legal conclusions, to which no response is required.

176. This paragraph states legal conclusions, to which no response is required.

177. This paragraph states legal conclusions, to which no response is required.

178. This paragraph states legal conclusions, to which no response is required.

179. Admitted that this paragraph quotes from a Notice of Proposed Rulemaking (“NPRM”) that HHS published before considering comments and issuing the Final Rule at issue in this action. Defendants refer the Court to the NPRM for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the NPRM.

180. This paragraph states legal conclusions, to which no response is required.

181. The first and third sentences state legal conclusions, to which no response is required. The second sentence quotes from the NPRM. Defendants refer the Court to the NPRM for a complete and accurate description of its contents, and deny the allegations in the second sentence to the extent inconsistent with the NPRM.

182. This paragraph cites the NPRM. Defendants refer the Court to the NPRM for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the NPRM.

183. This paragraph states legal conclusions, to which no response is required.

184. This paragraph states legal conclusions, to which no response is required.

185. This paragraph states legal conclusions, to which no response is required.

186. This paragraph states legal conclusions, to which no response is required.

187. This paragraph states legal conclusions, to which no response is required.

188. This paragraph states legal conclusions, to which no response is required.

189. This paragraph states legal conclusions, to which no response is required.

190. This paragraph states legal conclusions, to which no response is required.

191. This paragraph states legal conclusions, to which no response is required.

192. This paragraph states legal conclusions, to which no response is required.

193. This paragraph quotes from the NPRM. Defendants refer the Court to the NPRM for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the NPRM.

194. This paragraph states legal conclusions, to which no response is required.

195. This paragraph states legal conclusions, to which no response is required.

196. This paragraph states legal conclusions, to which no response is required.

197. This paragraph states legal conclusions, to which no response is required.

198. This paragraph states legal conclusions, to which no response is required.

199. This paragraph states legal conclusions, to which no response is required.

200. This paragraph states legal conclusions, to which no response is required.

201. This paragraph states legal conclusions, to which no response is required.

202. This paragraph states legal conclusions, to which no response is required.

203. This paragraph states legal conclusions, to which no response is required.

204. This paragraph quotes from the NPRM. Defendants refer the Court to the NPRM for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the NPRM.

205. This paragraph states legal conclusions, to which no response is required.

206. This paragraph states legal conclusions, to which no response is required.

207. This paragraph states legal conclusions, to which no response is required.

208. This paragraph quotes from the NPRM. Defendants refer the Court to the NPRM for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the NPRM.

209. This paragraph states legal conclusions, to which no response is required.

210. This paragraph states legal conclusions, to which no response is required.

211. This paragraph cites the NPRM. Defendants refer the Court to the NPRM for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the NPRM.

212. This paragraph states legal conclusions, to which no response is required.

213. This paragraph states legal conclusions, to which no response is required.

214. This paragraph states legal conclusions, to which no response is required.

215. This paragraph states legal conclusions, to which no response is required.

216. This paragraph states legal conclusions, to which no response is required.

217. This paragraph states legal conclusions, to which no response is required.



218. This paragraph states legal conclusions, to which no response is required.

219. This paragraph states legal conclusions, to which no response is required.

220. This paragraph states legal conclusions, to which no response is required.

221. This paragraph states legal conclusions, to which no response is required.

222. This paragraph states legal conclusions, to which no response is required.

223. This paragraph quotes from the NPRM. Defendants refer the Court to the NPRM for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the NPRM.

224. This paragraph states legal conclusions, to which no response is required.

225. This paragraph states legal conclusions, to which no response is required.

226. This paragraph states legal conclusions, to which no response is required.

227. Denied.

228. This paragraph states legal conclusions, to which no response is required.

229. Denied.

230. Denied.

231. This paragraph states legal conclusions, to which no response is required.

232. This paragraph states legal conclusions, to which no response is required.

233. This paragraph states legal conclusions, to which no response is required.

234. Denied.

235. This paragraph states legal conclusions, to which no response is required.

236. This paragraph states legal conclusions, to which no response is required.

237. This paragraph states legal conclusions, to which no response is required.

238. This paragraph quotes from the NPRM. Defendants refer the Court to the NPRM for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the NPRM.

239. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

240. This paragraph describes a Clinical Practice Guideline issued by the Endocrine Society. Defendants refer the Court to that document for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with that document.

241. Admitted that this paragraph quotes from a rule issued by HHS. Defendants refer the Court to that rule for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with that rule.

242. This paragraph states legal conclusions, to which no response is required.

243. This paragraph states legal conclusions, to which no response is required.

244. This paragraph states legal conclusions, to which no response is required.

245. This paragraph states legal conclusions, to which no response is required.

246. This paragraph describes emails of the World Professional Association for Transgender Health. Defendants refer the Court to those emails for a complete and accurate description of their contents, and deny the allegations in this paragraph to the extent inconsistent with those emails.

247. This paragraph describes emails of the World Professional Association for Transgender Health. Defendants refer the Court to those emails for a complete and accurate

description of their contents, and deny the allegations in this paragraph to the extent inconsistent with those emails.

248. The first sentence of the parenthetical at the end of this paragraph is denied. This paragraph otherwise describes emails of the World Professional Association for Transgender Health. Defendants refer the Court to those emails for a complete and accurate description of their contents, and deny the allegations in this paragraph to the extent inconsistent with those emails.

249. This paragraph describes emails of the World Professional Association for Transgender Health. Defendants refer the Court to those emails for a complete and accurate description of their contents, and deny the allegations in this paragraph to the extent inconsistent with those emails.

250. Admitted that this paragraph quotes from a statement of an HHS spokesman as reported in a news article. Defendants refer the Court to that news article for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the news article.

251. This paragraph describes some documents that have been published in redacted form in a federal court filing. Defendants refer the Court to those documents for a complete and accurate description of their contents, and deny the allegations in this paragraph to the extent inconsistent with those documents.

252. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

253. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

254. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

255. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

256. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

257. Admitted that Dr. Hilary Cass published the report cited in this paragraph. Defendants refer the Court to the report for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the report.

258. This paragraph states legal conclusions, to which no response is required.

259. This paragraph states legal conclusions, to which no response is required.

260. This paragraph states legal conclusions, to which no response is required.

261. This paragraph states legal conclusions, to which no response is required.

262. This paragraph states legal conclusions, to which no response is required.

263. This paragraph states legal conclusions, to which no response is required.

264. This paragraph states legal conclusions, to which no response is required.

265. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

266. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

267. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

268. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

269. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

270. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

271. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

272. This paragraph states legal conclusions, to which no response is required.

273. This paragraph states legal conclusions, to which no response is required.

274. This paragraph states legal conclusions, to which no response is required.

275. This paragraph states legal conclusions, to which no response is required.

276. This paragraph states legal conclusions, to which no response is required.

277. This paragraph states legal conclusions, to which no response is required.

278. This paragraph states legal conclusions, to which no response is required.

279. This paragraph states legal conclusions, to which no response is required.

280. This paragraph states legal conclusions, to which no response is required.

281. This paragraph states legal conclusions, to which no response is required.

282. This paragraph states legal conclusions, to which no response is required.

283. This paragraph states legal conclusions, to which no response is required.

284. This paragraph states legal conclusions, to which no response is required.

285. This paragraph states legal conclusions, to which no response is required.

286. This paragraph states legal conclusions, to which no response is required.

287. This paragraph states legal conclusions, to which no response is required.

288. This paragraph consists only of a heading, with no factual allegations. Accordingly, no response is required.

289. This paragraph states legal conclusions, to which no response is required.

290. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

291. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

292. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

293. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

294. This paragraph states legal conclusions, to which no response is required.

295. This paragraph states legal conclusions, to which no response is required.

296. This paragraph states legal conclusions, to which no response is required.

297. This paragraph states legal conclusions, to which no response is required.

298. This paragraph states legal conclusions, to which no response is required.

299. This paragraph states legal conclusions, to which no response is required.

300. This paragraph states legal conclusions, to which no response is required.

301. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

302. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

303. This paragraph states legal conclusions, to which no response is required.

304. This paragraph states legal conclusions, to which no response is required.

305. This paragraph states legal conclusions, to which no response is required.

306. This paragraph consists only of a heading, with no factual allegations. Accordingly, no response is required.

307. This paragraph states legal conclusions, to which no response is required.

308. This paragraph states legal conclusions, to which no response is required.

309. This paragraph states legal conclusions, to which no response is required.

310. This paragraph states legal conclusions, to which no response is required.

311. This paragraph states legal conclusions, to which no response is required.

312. This paragraph states legal conclusions, to which no response is required.

313. This paragraph states legal conclusions, to which no response is required.

314. This paragraph states legal conclusions, to which no response is required.

315. This paragraph states legal conclusions, to which no response is required.

316. This paragraph states legal conclusions, to which no response is required.

317. This paragraph states legal conclusions, to which no response is required.

318. This paragraph states legal conclusions, to which no response is required.

319. This paragraph describes a letter issued by the Department of Education. Defendants refer the Court to that letter for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the letter.

320. This paragraph describes a document issued by the Department of Education. Defendants refer the Court to that document for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the document.

321. Admitted that HHS issued the rule cited in this paragraph. Defendants refer the Court to that rule for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the rule.

322. This paragraph states legal conclusions, to which no response is required.

323. This paragraph states legal conclusions, to which no response is required.

324. This paragraph states legal conclusions, to which no response is required.

325. Admitted that HHS issued the rule cited in this paragraph. Defendants refer the Court to that rule for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the rule.

326. This paragraph states legal conclusions, to which no response is required.

327. Admitted that a component of HHS published the topic brief cited in this paragraph. Defendants refer the Court to that document for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the document.

328. Admitted that HHS issued the guidance document cited in this paragraph. Defendants refer the Court to that document for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the document.

329. Admitted that a component of HHS published the guidance document cited in this paragraph. Defendants refer the Court to that document for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the document.

330. Admitted that a component of HHS published the memorandum cited in this paragraph. Defendants refer the Court to that document for a complete and accurate description



of its contents, and deny the allegations in this paragraph to the extent inconsistent with the document.

331. This paragraph states legal conclusions, to which no response is required.

332. This paragraph states legal conclusions, to which no response is required.

333. This paragraph states legal conclusions, to which no response is required.

334. This paragraph states legal conclusions, to which no response is required.

335. This paragraph states legal conclusions, to which no response is required.

336. This paragraph states legal conclusions, to which no response is required.

337. This paragraph characterizes a guidance document issued by the Department of Education. Defendants refer the Court to that document for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with that document.

338. This paragraph states legal conclusions, to which no response is required.

339. This paragraph states legal conclusions, to which no response is required.

340. This paragraph states legal conclusions, to which no response is required.

341. This paragraph states legal conclusions, to which no response is required.

342. This paragraph states legal conclusions, to which no response is required.

343. This paragraph states legal conclusions, to which no response is required.

344. This paragraph states legal conclusions, to which no response is required.

345. This paragraph states legal conclusions, to which no response is required.

346. This paragraph states legal conclusions, to which no response is required.

347. This paragraph states legal conclusions, to which no response is required.

348. This paragraph states legal conclusions, to which no response is required.

349. This paragraph states legal conclusions, to which no response is required.

350. This paragraph states legal conclusions, to which no response is required.

351. This paragraph states legal conclusions, to which no response is required.

352. This paragraph states legal conclusions, to which no response is required.

353. This paragraph states legal conclusions, to which no response is required.

354. This paragraph states legal conclusions, to which no response is required.

355. This paragraph states legal conclusions, to which no response is required.

356. This paragraph states legal conclusions, to which no response is required.

357. This paragraph states legal conclusions, to which no response is required.

358. This paragraph states legal conclusions, to which no response is required.

359. This paragraph states legal conclusions, to which no response is required.

360. This paragraph states legal conclusions, to which no response is required.

361. This paragraph states legal conclusions, to which no response is required.

362. This paragraph states legal conclusions, to which no response is required.

363. This paragraph states legal conclusions, to which no response is required.

364. This paragraph states legal conclusions, to which no response is required.

365. This paragraph states legal conclusions, to which no response is required.

366. This paragraph states legal conclusions, to which no response is required.

367. This paragraph states legal conclusions, to which no response is required.

368. This paragraph states legal conclusions, to which no response is required.

369. This paragraph states legal conclusions, to which no response is required.

370. Admitted that this paragraph quotes from a page on the website of the HHS Office of Inspector General. Defendants refer the Court to that web page for a complete and accurate

description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the web page.

371. This paragraph states legal conclusions, to which no response is required.

372. This paragraph states legal conclusions, to which no response is required.

373. This paragraph states legal conclusions, to which no response is required.

374. This paragraph states legal conclusions, to which no response is required.

375. This paragraph states legal conclusions, to which no response is required.

376. This paragraph states legal conclusions, to which no response is required.

377. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

378. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations.

379. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

380. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

381. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations.

382. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

383. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

384. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

385. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

386. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

387. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

388. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

389. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

390. This paragraph states legal conclusions, to which no response is required.

391. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

392. This paragraph states legal conclusions, to which no response is required.

393. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

394. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

395. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations.

396. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

397. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

398. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

399. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

400. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

401. This paragraph states legal conclusions, to which no response is required.

402. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

403. This paragraph states legal conclusions, to which no response is required.

404. This paragraph states legal conclusions, to which no response is required.

405. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

406. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

407. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

408. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

409. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief

about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

410. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

411. This paragraph states legal conclusions, to which no response is required.

412. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

413. This paragraph states legal conclusions, to which no response is required.

414. This paragraph states legal conclusions, to which no response is required.

415. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

416. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

417. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief

about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

418. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

419. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

420. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

421. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

422. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.



423. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

424. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

425. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

426. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

427. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

428. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief

about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

429. Denied.

430. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

431. Denied.

432. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

433. Denied.

434. The first sentence states legal conclusions to which no response is required. Defendants otherwise lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

435. To the extent this paragraph alleges facts regarding the views or activities of Dr. Daniel Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

436. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

437. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

438. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

439. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

440. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

441. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

442. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

443. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

444. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

445. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations.

446. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

447. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

448. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

449. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

450. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

451. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

452. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

453. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

454. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

455. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

456. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

457. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

458. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

459. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

460. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

461. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

462. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

463. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

464. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

465. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

466. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

467. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

468. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

469. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

470. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

471. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

472. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

473. To the extent this paragraph alleges facts regarding the views or activities of Dr. Weiss, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

474. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

475. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

476. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

477. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

478. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

479. This paragraph states legal conclusions, to which no response is required.

480. This paragraph states legal conclusions, to which no response is required.

481. This paragraph states legal conclusions, to which no response is required.

482. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

483. Admitted that this paragraph describes a study that was cited in the Rule. Defendants refer the Court to that study for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the study.

484. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

485. This paragraph states legal conclusions, to which no response is required.

486. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the first sentence. This paragraph otherwise states legal conclusions, to which no response is required.

487. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the first sentence. This paragraph otherwise states legal conclusions, to which no response is required.

488. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the first sentence. This paragraph otherwise states legal conclusions, to which no response is required.



489. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the first sentence. This paragraph otherwise states legal conclusions, to which no response is required.

490. To the extent this paragraph alleges facts about the enrollees in the Plaintiff States' employee and retiree health plans, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

491. This paragraph states legal conclusions, to which no response is required.

492. This paragraph states legal conclusions, to which no response is required.

493. This paragraph states legal conclusions, to which no response is required.

494. This paragraph states legal conclusions, to which no response is required.

495. This paragraph describes the Rule. Defendants refer the Court to the Rule for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the Rule.

496. This paragraph describes the Rule. Defendants refer the Court to the Rule for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the Rule.

497. This paragraph describes the Rule. Defendants refer the Court to the Rule for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the Rule.

498. This paragraph describes the Rule. Defendants refer the Court to the Rule for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the Rule.

499. This paragraph describes the Rule. Defendants refer the Court to the Rule for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the Rule.

500. This paragraph describes the Rule. Defendants refer the Court to the Rule for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the Rule.

501. This paragraph describes the Rule. Defendants refer the Court to the Rule for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the Rule.

502. This paragraph describes the Rule. Defendants refer the Court to the Rule for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the Rule.

503. This paragraph describes the Rule. Defendants refer the Court to the Rule for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the Rule.

504. This paragraph states legal conclusions, to which no response is required.

505. This paragraph describes the Rule. Defendants refer the Court to the Rule for a complete and accurate description of its contents, and deny the allegations in this paragraph to the extent inconsistent with the Rule.

506. This paragraph states legal conclusions, to which no response is required.

507. This paragraph states legal conclusions, to which no response is required.

508. This paragraph states legal conclusions, to which no response is required.

509. This paragraph states legal conclusions, to which no response is required.

510. To the extent this paragraph alleges facts regarding the views or activities of Plaintiffs, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

511. To the extent this paragraph alleges facts regarding the views or activities of Plaintiffs, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

512. To the extent this paragraph alleges facts regarding the views or activities of Plaintiffs, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

513. To the extent this paragraph alleges facts regarding the views or activities of Plaintiffs, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

514. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

515. To the extent this paragraph alleges facts regarding the views or activities of Plaintiffs, Defendants lack sufficient knowledge or information to form a belief about the truth of

the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

516. To the extent this paragraph alleges facts regarding the views or activities of Plaintiffs, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

517. Admitted.

518. This paragraph states legal conclusions, to which no response is required.

519. This paragraph states legal conclusions, to which no response is required.

520. This paragraph states legal conclusions, to which no response is required.

521. This paragraph states legal conclusions, to which no response is required.

522. This paragraph states legal conclusions, to which no response is required.

523. This paragraph states legal conclusions, to which no response is required.

524. This paragraph states legal conclusions, to which no response is required.

525. This paragraph states legal conclusions, to which no response is required.

526. This paragraph states legal conclusions, to which no response is required.

527. This paragraph states legal conclusions, to which no response is required.

528. This paragraph states legal conclusions, to which no response is required.

529. This paragraph states legal conclusions, to which no response is required.

530. This paragraph states legal conclusions, to which no response is required.

531. This paragraph states legal conclusions, to which no response is required.

532. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief

about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

533. This paragraph states legal conclusions, to which no response is required.

534. This paragraph states legal conclusions, to which no response is required.

535. This paragraph states legal conclusions, to which no response is required.

536. This paragraph states legal conclusions, to which no response is required.

537. This paragraph states legal conclusions, to which no response is required.

538. Defendants incorporate their responses to prior paragraphs.

539. No response is required to this paragraph, which describes the scope of Plaintiffs' claim.

540. This paragraph states legal conclusions, to which no response is required.

541. This paragraph states legal conclusions, to which no response is required.

542. This paragraph states legal conclusions, to which no response is required.

543. This paragraph states legal conclusions, to which no response is required.

544. This paragraph states legal conclusions, to which no response is required.

545. This paragraph states legal conclusions, to which no response is required.

546. This paragraph states legal conclusions, to which no response is required.

547. This paragraph states legal conclusions, to which no response is required.

548. This paragraph states legal conclusions, to which no response is required.

549. This paragraph states legal conclusions, to which no response is required.

550. This paragraph states legal conclusions, to which no response is required.

551. This paragraph states legal conclusions, to which no response is required.

552. This paragraph states legal conclusions, to which no response is required.

- 553. This paragraph states legal conclusions, to which no response is required.
- 554. This paragraph states legal conclusions, to which no response is required.
- 555. This paragraph states legal conclusions, to which no response is required.
- 556. This paragraph states legal conclusions, to which no response is required.
- 557. This paragraph states legal conclusions, to which no response is required.
- 558. This paragraph states legal conclusions, to which no response is required.
- 559. This paragraph states legal conclusions, to which no response is required.
- 560. This paragraph states legal conclusions, to which no response is required.
- 561. This paragraph states legal conclusions, to which no response is required.
- 562. This paragraph states legal conclusions, to which no response is required.
- 563. This paragraph states legal conclusions, to which no response is required.
- 564. This paragraph states legal conclusions, to which no response is required.
- 565. This paragraph states legal conclusions, to which no response is required.
- 566. This paragraph states legal conclusions, to which no response is required.
- 567. This paragraph states legal conclusions, to which no response is required.
- 568. This paragraph states legal conclusions, to which no response is required.
- 569. This paragraph states legal conclusions, to which no response is required.
- 570. This paragraph states legal conclusions, to which no response is required.
- 571. This paragraph states legal conclusions, to which no response is required.
- 572. This paragraph states legal conclusions, to which no response is required.
- 573. This paragraph states legal conclusions, to which no response is required.
- 574. This paragraph states legal conclusions, to which no response is required.
- 575. This paragraph states legal conclusions, to which no response is required.

- 576. This paragraph states legal conclusions, to which no response is required.
- 577. This paragraph states legal conclusions, to which no response is required.
- 578. This paragraph states legal conclusions, to which no response is required.
- 579. This paragraph states legal conclusions, to which no response is required.
- 580. This paragraph states legal conclusions, to which no response is required.
- 581. This paragraph states legal conclusions, to which no response is required.
- 582. This paragraph states legal conclusions, to which no response is required.
- 583. This paragraph states legal conclusions, to which no response is required.
- 584. This paragraph states legal conclusions, to which no response is required.
- 585. This paragraph states legal conclusions, to which no response is required.
- 586. This paragraph states legal conclusions, to which no response is required.
- 587. This paragraph states legal conclusions, to which no response is required.
- 588. This paragraph states legal conclusions, to which no response is required.
- 589. This paragraph states legal conclusions, to which no response is required.
- 590. This paragraph states legal conclusions, to which no response is required.
- 591. This paragraph states legal conclusions, to which no response is required.
- 592. This paragraph states legal conclusions, to which no response is required.
- 593. This paragraph states legal conclusions, to which no response is required.
- 594. This paragraph states legal conclusions, to which no response is required.
- 595. This paragraph states legal conclusions, to which no response is required.
- 596. This paragraph states legal conclusions, to which no response is required.
- 597. This paragraph states legal conclusions, to which no response is required.
- 598. This paragraph states legal conclusions, to which no response is required.

599. Defendants incorporate their responses to prior paragraphs.

600. No response is required to this paragraph, which describes the scope of Plaintiffs' claim.

601. This paragraph states legal conclusions, to which no response is required.

602. This paragraph states legal conclusions, to which no response is required.

603. This paragraph states legal conclusions, to which no response is required.

604. This paragraph states legal conclusions, to which no response is required.

605. This paragraph states legal conclusions, to which no response is required.

606. This paragraph states legal conclusions, to which no response is required.

607. This paragraph states legal conclusions, to which no response is required.

608. This paragraph states legal conclusions, to which no response is required.

609. This paragraph states legal conclusions, to which no response is required.

610. This paragraph states legal conclusions, to which no response is required.

611. This paragraph states legal conclusions, to which no response is required.

612. This paragraph states legal conclusions, to which no response is required.

613. This paragraph states legal conclusions, to which no response is required.

614. This paragraph states legal conclusions, to which no response is required.

615. This paragraph states legal conclusions, to which no response is required.

616. This paragraph states legal conclusions, to which no response is required.

617. This paragraph states legal conclusions, to which no response is required.

618. This paragraph states legal conclusions, to which no response is required.

619. This paragraph states legal conclusions, to which no response is required.

620. This paragraph states legal conclusions, to which no response is required.



621. This paragraph states legal conclusions, to which no response is required.
622. This paragraph states legal conclusions, to which no response is required.
623. This paragraph states legal conclusions, to which no response is required.
624. This paragraph states legal conclusions, to which no response is required.
625. This paragraph states legal conclusions, to which no response is required.
626. Defendants incorporate their responses to prior paragraphs.
627. No response is required to this paragraph, which describes the scope of Plaintiffs' claim.
628. This paragraph states legal conclusions, to which no response is required.
629. This paragraph states legal conclusions, to which no response is required.
630. This paragraph states legal conclusions, to which no response is required.
631. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.
632. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.
633. This paragraph states legal conclusions, to which no response is required.
634. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief

about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

635. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

636. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

637. This paragraph states legal conclusions, to which no response is required.

638. This paragraph states legal conclusions, to which no response is required.

639. This paragraph states legal conclusions, to which no response is required.

640. This paragraph states legal conclusions, to which no response is required.

641. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

642. This paragraph states legal conclusions, to which no response is required.

643. This paragraph states legal conclusions, to which no response is required.

644. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief

about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

645. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

646. To the extent this paragraph alleges facts regarding the views or activities of ACPeds or its members, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations. This paragraph otherwise states legal conclusions, to which no response is required.

647. This paragraph states legal conclusions, to which no response is required.

648. This paragraph states legal conclusions, to which no response is required.

649. Defendants incorporate their responses to prior paragraphs.

650. This paragraph states legal conclusions, to which no response is required.

651. This paragraph states legal conclusions, to which no response is required.

652. This paragraph states legal conclusions, to which no response is required.

653. This paragraph states legal conclusions, to which no response is required.

No response is required to the Prayer for Relief, which sets forth the relief requested by Plaintiffs. To the extent a response is required, denied that Plaintiffs are entitled to the requested relief, or any relief.

Defendants hereby deny all allegations in the Complaint not expressly admitted herein to which a response is deemed required.

## **DEFENSES**

1. Plaintiffs' claims are barred by res judicata and/or collateral estoppel.
2. Venue is improper in this District.

Dated: September 10, 2024

Respectfully Submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

MICHELLE R. BENNETT  
Assistant Director, Federal Programs Branch

/s/ Jeremy S.B. Newman  
JEREMY S.B. NEWMAN  
1024112(DC)  
Trial Attorney  
United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, N.W.  
Washington, DC 20005  
Tel: (202) 532-3114  
Fax: (202) 616-8470  
Email: jeremy.s.newman@usdoj.gov

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 10, 2024, I electronically filed the foregoing document with the Clerk of Court using the Court's electronic filing system, to be served on all counsel of record.

/s/ Jeremy S.B. Newman  
Jeremy S.B. Newman #1024112(DC)