

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CITY OF COLUMBUS *et al.*,

Plaintiffs,

v.

ROBERT F. KENNEDY JR. *et al.*,

Defendants.

Case No. 25-cv-2114-BAH

PLAINTIFFS' CONSENT MOTION TO CLARIFY ORDER OF JUNE 12, 2026

Plaintiffs respectfully seek clarification of this Court's order of June 12, 2026 (ECF 74) to ensure that the order conforms with the relief that this Court provided as described in its memorandum opinion of the same date (ECF 73). In particular, Plaintiffs request that the Court clarify that its order staying the effective date of certain provisions of the Centers for Medicare & Medicaid Services' final rule entitled "Patient Protection and Affordable Care Act; Marketplace Integrity and Affordability," 90 Fed. Reg. 27,074, also stays the effective date of that rule's revisions to 45 C.F.R. 155.320(c)(5). Plaintiffs respectfully reserve their right to continue to seek relief, in this Court or in other forums, with respect to this Court's partial denial of their motion for summary judgment (ECF 65). Counsel for Plaintiffs conferred with counsel for Defendants on June 15, 2026, who represented that Defendants consent to Plaintiffs' motion to clarify.

Good cause supports this request. To Plaintiffs' understanding, this Court's order, when read together with its memorandum opinion, makes clear that the Court invalidated the rule's revisions to 45 C.F.R. § 155.320(c)(5) regarding self-attestation of projected income when tax data is lacking. *See* ECF 73, at 58-60. In particular, the Court's memorandum opinion provides

that that CMS’s self-attestation provision “was not ‘reasonable and reasonably explained’” such that “Plaintiffs are entitled to summary judgment as to th[e] provision.” *Id.* at 60. The Court’s order, however, did not specifically list that provision as being vacated. (Section 155.320(c)(5) is listed in the order, but it is described as a provision having different effect.) Therefore, to the extent that there is any ambiguity in this Court’s order, it would be appropriate for this Court to enter a further order clarifying for the parties and for the public the relief that it has provided. *See, e.g., Faulkenberry v. Austin*, No. 1:22-CV-01150-JMC, 2024 WL 4838827, at *2 (D. Md. Nov. 20, 2024) (“An ambiguous order may be resolved through a motion for clarification.”). Plaintiffs accordingly request that the Court clarify that its order extends to a stay of the effective date of the rule’s revisions to 45 C.F.R. § 155.320(c)(5). The attached proposed order also corrects an apparent typographical error to remove what appears to be an inadvertent reference to a non-existent provision, 45 C.F.R. § 155.330(j).)

Dated: June 15, 2026

Respectfully submitted,

/s/ Cortney Robinson Henderson
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[PROPOSED] ORDER

For the reasons stated in the Court’s memorandum opinion, ECF 73, and upon consideration of Plaintiffs’ motion for summary judgment, ECF 65, and Defendants’ cross-motion for summary judgment, ECF 68, it is, by the United States District Court for the District of Maryland, hereby **ORDERED** that Plaintiffs’ unopposed motion for clarification is **GRANTED**, and this Court’s order of June 12, 2026, is amended as clarified to provide as follows:

- (1) Plaintiffs’ motion for summary judgment, ECF 65, is GRANTED in part and DENIED in part;
- (2) Defendants’ motion for summary judgment, ECF 68, is GRANTED in part and DENIED. in part;
- (3) The following provisions of the final rule entitled “Patient Protection and Affordable Care Act; Marketplace Integrity and Affordability,” 90 Fed. Reg. 27074, are VACATED pursuant to 5 U.S.C. § 706:
 - a. The imposition of a \$5 premium penalty on automatic re-enrollees, through the addition of 45 C.F.R. § 155.335(a)(3) and (n);

- b. The revocation of guaranteed insurance coverage for individuals with past-due premiums, through revisions to 45 C.F.R. § 147.104(i);
 - c. The failure to reconcile policy in 45 C.F.R. § 155.305(f)(4), including the final rule’s amendments to that policy through the addition of 45 C.F.R. § 155.305(f)(4)(iii);
 - d. The imposition of eligibility verification for the special enrollment period, through the revisions to 45 C.F.R. § 155.420(g);
 - e. The imposition of a shortened open enrollment period beginning in 2027, through revisions to 45 C.F.R. § 155.410(e) and (f);
 - f. The elimination of the 60-day extension of time to resolve inconsistencies in household income data, through the removal of 45 C.F.R. § 155.315(f)(7);
 - g. The imposition of a requirement that Exchanges verify household income inconsistencies when a tax filer’s attested projected annual household income differs from “trusted data sources,” through revisions to 45 C.F.R. § 155.320(c)(3)(iii) and the addition of 45 C.F.R. § 155.320(c)(3)(vi)(C)(2);
 - h. The changes to the de minimis ranges for actuarial value calculations, through revisions to 45 C.F.R. §§ 156.140(c), 156.200(b)(3), and 156.400;
 - i. The changes to the policy regarding self-attestation of projected income, through revisions to 45 C.F.R. § 155.320(c)(5); and
- (4) The following provision is not vacated by the Court’s ruling and may take effect according to its terms:
- a. The change to the measure for calculating the premium adjustment percentage set forth in 90 Fed. Reg. 27,166 through 27,178.

SO ORDERED.

_____, 2026

Brendan A. Hurson
U.S. DISTRICT JUDGE