



C A L I F O R N I A

DEPARTMENT OF JUSTICE

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July 27, 2026

VIA CM/ECF

Robert M. Farrell
Clerk of Court
U.S. District Court for the District of Massachusetts
1 Courthouse Way
Boston, Massachusetts 02210

RE: *State of California, et al. v. Robert F. Kennedy, Jr., et al.*, Case No. 1:25-cv-12019

Dear Mr. Farrell:

The parties in the above-captioned matter write to notify the Court of their agreement that, in light of the recent decision issued by the U.S. District Court for the District of Maryland in *City of Columbus, et al., v. Robert F. Kennedy, Jr., et al.*, Case No. 1:25-cv-02114-BAH (D. Md. June 12, 2026), four issues before this Court have become moot.

The *City of Columbus* decision vacates several provisions of the same federal regulation that Plaintiff States have challenged in this matter. Defendants are appealing that decision, but not as to every provision. Therefore, no live dispute remains as to four provisions that have been vacated and that Defendants do not seek to restore on appeal.

Accordingly, the parties agree the only live issues remaining for consideration by this Court are as follows:

1. The modification of essential health benefits (45 C.F.R. §§ 156.115(d), 156.400), which was not challenged in *City of Columbus*;
2. The provision amending the failure-to-reconcile policy (45 C.F.R. § 155.305(f)(4));
3. The provisions pertaining to *de minimis* ranges for actuarial value calculations (45 C.F.R. §§ 156.140(c), 156.200(b)(3), and 156.400);
4. The provision pertaining to the open enrollment period (45 C.F.R. § 155.410(e) and (f)); and

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5. The provision pertaining to the premium adjustment percentage calculation methodology (45 C.F.R. § 156.130(e)).

Defendants will not appeal the vacatur of the following four provisions:

1. The provision pertaining to the \$5 charge for certain automatic re-enrollees (45 C.F.R. § 155.335(a)(3) and (n));
2. The provision pertaining to guaranteed coverage for individuals with past-due premiums (45 C.F.R. § 147.104(i));
3. The provision pertaining to eligibility verification for the special enrollment period (45 C.F.R. § 155.420(g)); and
4. The provisions pertaining to income verification requirements when attested income differs from other data sources, or when such other data is missing (45 C.F.R. §§ 155.320(c)(3)(iii) and (c)(5)).

Finally, the parties request a decision in this matter by December 31, 2026, which aligns with the timeline Defendants have requested from the Fourth Circuit.

[signatures appear on following page]

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Sean C. McGuire, certify that this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Sean C. McGuire

Deputy Attorney General

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