

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

STATE OF CALIFORNIA, et al.

Plaintiffs,

v.

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

Defendants.

Civil Action No.: 25-cv-12019

**PLAINTIFF STATES' MOTION FOR A
PRELIMINARY INJUNCTION AND STAY**

Pursuant to Rule 65(a) of the Federal Rules of Civil Procedure and 5 U.S.C. § 705, Plaintiffs hereby move this Court to preliminarily enjoin Defendants from implementing or enforcing the challenged provisions of the Final Rule entitled *Patient Protection and Affordable Care Act; Marketplace Integrity and Affordability*, 90 Fed. Reg. 27074 (June 25, 2025), and to stay the effective date of these same provisions, as against Plaintiffs, pending a final ruling on the merits of this case. The grounds for this motion are set forth in Plaintiffs' accompanying memorandum of law in support of their motion, and the challenged provisions are set forth in the proposed order attached as an exhibit to this motion.

July 17, 2025

ANDREA JOY CAMPBELL
Attorney General
Commonwealth of Massachusetts

/s/ Allyson Slater
ALLYSON SLATER (BBO No. 704545)
Director, Reproductive Justice Unit
Office of the Attorney General
One Ashburton Place, 20th Floor
Boston, MA 02108
(617) 963-2811
Allyson.slater@mass.gov
Attorneys for Plaintiff Commonwealth of Massachusetts

ROB BONTA
Attorney General
State of California

/s/ Sean C. McGuire
SEAN C. MCGUIRE*
Deputy Attorney General
NELI PALMA*
Senior Assistant Attorney General
KATHLEEN BOERGER*
Supervising Deputy Attorney General
NIMROD PITSKER ELIAS*
CRYSTAL ADAMS*
HILARY BURKE CHAN*
Deputy Attorneys General
600 West Broadway, Suite 1800
San Diego, CA 92101
(619) 738-9543
Sean.McGuire@doj.ca.gov
Attorneys for Plaintiff State of California

Respectfully submitted,

MATTHEW J. PLATKIN
Attorney General
State of New Jersey

/s/ Mayur P. Saxena
JEREMY M. FEIGENBAUM*
Solicitor General
MAYUR P. SAXENA*
Assistant Attorney General
JOSHUA P. BOHN*
MONICA E. FINKE*
BASSAM F. GERGI*
VIVIANA M. HANLEY
BRYCE K. HURST*
AMANDA I. MOREJÓN
MEGHAN K. MUSSO*
ESTEFANIA PUGLIESE-SAVILLE *
Deputy Attorneys General
Office of the Attorney General
25 Market Street
Trenton, NJ 08625
(609) 969-5365
Mayur.Saxena@law.njoag.gov
Attorneys for Plaintiff State of New Jersey

KRISTIN K. MAYES
Attorney General
State of Arizona

/s/ Joshua Nomkin
JOSHUA NOMKIN*
LAUREN WATFORD*
Office of the Attorney General
2005 North Central Avenue
Phoenix, Arizona 85004
(602) 542-3333
Joshua.Nomkin@azag.gov
Lauren.Watford@azag.gov
Attorneys for Plaintiff State of Arizona

PHILIP J. WEISER

Attorney General
State of Colorado

/s/ David Moskowitz

DAVID MOSKOWITZ*
Deputy Solicitor General
Colorado Department of Law
1300 Broadway, 10th Floor
Denver, CO 80203
Phone: (720) 508-6000
david.moskowitz@coag.gov
Attorneys for Plaintiff State of Colorado

KATHLEEN JENNINGS

Attorney General
State of Delaware

/s/ Vanessa L. Kassab

IAN R. LISTON*
Director of Impact Litigation
VANESSA L. KASSAB*
DAVID WEINSTEIN*
Deputy Attorneys General
Delaware Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 683-8899
vanessa.kassab@delaware.gov
Attorneys for Plaintiff State of Delaware

AARON M. FREY

Attorney General
State of Maine

/s/ Lauren LaRochelle

LAUREN LAROCHELLE*
Assistant Attorney General
Office of the Attorney General
6 State House Station
Augusta, ME 04333-0006
Tel.: 207-626-8800
Lauren.LaRochelle@maine.gov
Attorneys for Plaintiff State of Maine

WILLIAM TONG

Attorney General
State of Connecticut

/s/ Janelle Medeiros

JANELLE MEDEIROS*
Special Counsel for Civil Rights
165 Capitol Ave
Hartford, CT 06106
(860) 808-5450
Janelle.Medeiros@ct.gov
Attorneys for Plaintiff State of Connecticut

KWAME RAOUL

Attorney General
State of Illinois

/s/ Alice L. Riechers

SARAH J. NORTH*
Deputy Chief, Public Interest Division
ALICE L. RIECHERS*
Assistant Attorney General, Special Litigation Bureau
Office of the Illinois Attorney General
115 S. LaSalle Street
Chicago, IL 60603
312-814-3000
Sarah.North@ilag.gov
Alice.Riechers@ilag.gov
Attorneys for Plaintiff State of Illinois

ANTHONY G. BROWN

Attorney General
State of Maryland

/s Michael Drezner

MICHAEL DREZNER*
Senior Assistant Attorney General
Office of the Attorney General
200 Saint Paul Place, 20th Floor
Baltimore, Maryland 21202
410-576-6959
Mdrezner@oag.state.md.us
Attorneys for Plaintiff State of Maryland

DANA NESSEL

Attorney General
State of Michigan

/s/ Carl Hammaker

CARL HAMMAKER (P81203)*
AARON LEVIN (P81310)*
Assistant Attorneys General
Michigan Department of Attorney General
525 W. Ottawa St.
Lansing, MI 48933-1067
517.335.7573
hammakerc@michigan.gov
levina@michigan.gov
Attorneys for Plaintiff State of Michigan

KEITH ELLISON

Attorney General
State of Minnesota

/s/ Lindsey E. Middlecamp

LINDSEY E. MIDDLECAMP*
Special Counsel, Rule of Law
445 Minnesota Street, Suite 600
St. Paul, Minnesota, 55101
(651) 300-0711
Lindsey.middlecamp@ag.state.mn.us
Attorneys for Plaintiff State of Minnesota

RAÚL TORREZ

Attorney General
State of New Mexico

/s/ Aletheia V.P. Allen

ALETHEIA V.P. ALLEN*
Solicitor General
LAWRENCE M. MARCUS*
Assistant Solicitor General
New Mexico Department of Justice
201 Third St. NW, Suite 300
Albuquerque, NM 87102
505-527-2776
aallen@nmdoj.gov
Attorneys for Plaintiff State of New Mexico

AARON D. FORD

Attorney General
State of Nevada

/s/ Heidi Parry Stern

HEIDI PARRY STERN (Bar. No. 8873)
Solicitor General
Office of the Nevada Attorney General
1 State of Nevada Way, Ste. 100
Las Vegas, NV 89119
HStern@ag.nv.gov
Attorneys for Plaintiff State of Nevada

LETITIA JAMES

Attorney General
State of New York

/s/ Stephen Thompson

STEPHEN C. THOMPSON*
Special Counsel
ANDRES IVAN NAVEDO*
Assistant Attorney General
28 Liberty Street
New York, NY 10005
(212) 416-6183
stephen.thompson@ag.ny.gov
Attorneys for Plaintiff State of New York

DAN RAYFIELD

Attorney General
State of Oregon

/s/ Scott P. Kennedy

SCOTT P. KENNEDY*
Senior Assistant Attorney General
Oregon Department of Justice
100 SW Market Street
Portland, OR 97201
Tel (971) 453-9050
Fax (971) 673-5000
Scott.Kennedy@doj.oregon.gov
Attorneys for Plaintiff State of Oregon

JOSH SHAPIRO

in his official capacity as Governor of the
Commonwealth of Pennsylvania

JENNIFER SELBER
General Counsel

/s/ Aimee D. Thomson
AIMEE D. THOMSON*
Deputy General Counsel
Pennsylvania Office of the Governor
30 N. 3rd St., Suite 200
Harrisburg, PA 17101
(223) 234-4986
aimeethomson@pa.gov
Counsel for Governor Josh Shapiro

CHARITY R. CLARK

Attorney General
State of Vermont

/s/ Jonathan T. Rose
JONATHAN T. ROSE*
Solicitor General
109 State Street
Montpelier, VT 05609
(802) 828-3171
Jonathan.rose@vermont.gov
Attorneys for Plaintiff State of Vermont

JOSHUA L. KAUL

Attorney General
State of Wisconsin

/s/ Jody J. Schmelzer
JODY J. SCHMELZER*
Assistant Attorney General
Wisconsin Department of Justice
17 West Main Street
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-3094
jody.schmelzer@wisdoj.gov
Attorneys for Plaintiff State of Wisconsin

PETER F. NERONHA

Attorney General
State of Rhode Island

/s/ Julia Harvey
JULIA HARVEY (RI Bar No. 10529)*
Special Assistant Attorney General
150 South Main Street
Providence, RI 02903
(401) 274-4400, Ext. 2103
jharvey@riag.ri.gov
Attorneys for Plaintiff State of Rhode Island

NICHOLAS W. BROWN

Attorney General
State of Washington

/s/ William McGinty
WILLIAM MCGINTY, WSBA 41868*
Deputy Solicitor General
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100
William.McGinty@atg.wa.gov
360-709-6027
Attorneys for Plaintiff State of Washington

LOCAL RULE 7.1 CERTIFICATE

I certify that on July 17, 2025, at 11:46 a.m., I contacted Diane Kelleher, Director, Federal Programs Branch, U.S. Department of Justice (diane.kelleher@usdoj.gov), Rayford Farquhar, Chief, Defensive Litigation, Civil Division, U.S. Attorney's Office for the District of Massachusetts (rayford.farquhar@usdoj.gov), Abraham George (abraham.george@usdoj.gov), and Brad Rosenberg (brad.rosenberg@usdoj.gov) by email in an attempt to meet and confer regarding the foregoing request for relief. Eric Beckenhauer (Eric.Beckenhauer@usdoj.gov) responded on behalf of Defendants. Plaintiffs and Defendants have met and conferred in good faith and have been unable to resolve or narrow the subject of this Motion.

/s/ Allyson Slater

ALLYSON SLATER (BBO No. 704545)
Director, Reproductive Justice Unit
Office of the Attorney General
One Ashburton Place, 20th Floor
Boston, MA 02108
(617) 963-2811
Allyson.slater@mass.gov

*Counsel for the Commonwealth of
Massachusetts*

CERTIFICATE OF SERVICE

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

/s/ Allyson Slater
Allyson Slater (BBO No. 704545)
*Counsel for the Commonwealth of
Massachusetts*

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

STATE OF CALIFORNIA, et al.

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Defendants.

Civil Action No.: 25-cv-12019

[PROPOSED] ORDER GRANTING PRELIMINARY INJUNCTION AND STAY

Pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, and 5 U.S.C. § 705, and upon consideration of Plaintiffs' Motion for a Preliminary Injunction and Stay, and the parties' briefing thereon, it is hereby **ORDERED** that the motion is **GRANTED**; and it is further

ORDERED that Defendants are preliminarily **ENJOINED** from implementing and enforcing the following provisions of the Final Rule entitled *Patient Protection and Affordable Care Act; Marketplace Integrity and Affordability*, 90 Fed. Reg. 27074 (June 25, 2025) (Final Rule), and that these same provisions are **STAYED** pursuant to 5 U.S.C. § 705, as against Plaintiff States, pending a final ruling on the merits of this case:

1. The Final Rule's imposition of a \$5 premium penalty on automatic re-enrollees, effective as of plan year 2026, pursuant to 45 C.F.R. § 155.335(a)(3), (n).
2. The Final Rule's requirement that states utilizing the federal exchange verify eligibility for at least 75% of Special Enrollment Periods triggered by a major life event, effective as of plan year 2026, pursuant to 45 C.F.R. § 155.420(g).

3. The Final Rule’s requirement that a data-matching issue be generated if either existing federal tax data shows a lower income than an enrollee’s projected annual household income at or above 100% of the federal poverty level, or if there is no federal tax information available, effective as of August 25, 2025, pursuant to 45 C.F.R. § 155.320(c)(3)(iii), (5).
4. The Final Rule’s changes to the failure-to-reconcile (FTR) policy, effective as of plan year 2026, pursuant to 45 C.F.R. § 155.305(f)(4).
5. The Final Rule’s change to the premium adjustment percentage methodology, effective as of plan year 2026, pursuant to 45 C.F.R. § 156.130(e).
6. The Final Rule’s changes to *de minimis* ranges for actuarial value calculations, effective as of plan year 2026, pursuant to 45 C.F.R. §§ 156.140(c), 156.200(b)(3), and 156.400.
7. The Final Rule’s revocation of guaranteed insurance coverage for individuals with past-due premiums, effective August 25, 2025, pursuant to 45 C.F.R. § 147.104(i).
8. The Final Rule’s barring “sex-trait modification procedure” as an Essential Health Benefit, effective as of plan year 2026, pursuant to 45 C.F.R. §§ 156.115(d), 156.400.

As grounds for this order, the Court finds that the Plaintiff States are likely to succeed on the merits of their claims; that the Final Rule is causing Plaintiffs ongoing and irreparable harm which is likely to continue if the order is not granted; and that the public interest and balance of harms weigh in favor of granting preliminary relief and postponing the effective date of the Final Rule with respect to the application of the provisions listed above against the Plaintiff States.

This Order shall remain in effect unless and until modified by the Court.

SO ORDERED this ____ day of _____, 2025

By: _____
United States District Judge