

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

UNITED STATES HOUSE OF REPRESENTATIVES,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 14-cv-01967-RMC
)	
SYLVIA MATHEWS BURWELL,)	
in her official capacity as Secretary of the United States)	
Department of Health and Human Services, et al.,)	
)	
<i>Defendants.</i>)	
)	

**PLAINTIFF’S RESPONSE TO DEFENDANTS’ STATEMENT OF
MATERIAL FACTS AS TO WHICH THERE IS NO GENUINE ISSUE**

Plaintiff United States House of Representatives (“House”) maintains that there are no genuine issues of material fact with respect to the grounds entitling it to summary judgment. *See* Plaintiff United States House of Representatives’ Statement of Material Facts as to Which There Is No Genuine Issue (Dec. 2, 2015) (ECF No. 53).

Pursuant to Local Civil Rule 7(h)(1), the House now responds to Defendants’ Statement of Material Facts as to Which There Is No Genuine Issue (Dec. 2, 2015) (ECF No. 55-2) (“Defendants’ Rule 56 Statement”). The paragraph numbers for these responses refer to the corresponding numbers in Defendants’ Rule 56 Statement:

1. The statements in paragraph 1 of Defendants’ Rule 56 Statement are not facts, are not material, are legal conclusions, and/or are characterizations of the statutes cited, and, as such, are disputed. Moreover, the statements in the first, fourth and fifth sentences include no references to any parts of the record relied on to support the statements. The House respectfully

refers the Court to the statutes cited in paragraph 1 of Defendants' Rule 56 Statement for a complete and accurate statement of their contents.

2. The statements in paragraph 2 of Defendants' Rule 56 Statement are not facts, are not material, are legal conclusions, and/or are characterizations of the content of the document cited, and, as such, are disputed. The House respectfully refers the Court to the document cited in paragraph 2 of Defendants' Rule 56 Statement for a complete and accurate statement of its contents.

3. The statements in paragraph 3 of Defendants' Rule 56 Statement are not facts, are not material, are legal conclusions, and/or are characterizations of the statutes cited, and, as such, are disputed. The House respectfully refers the Court to the statutes cited in paragraph 3 of Defendants' Rule 56 Statement for a complete and accurate statement of their contents.

4. The statements in paragraph 4 of Defendants' Rule 56 Statement are not facts, are not material, are legal conclusions, and/or are characterizations of the document cited, and, as such, are disputed. Moreover, the statements in the first, second, third, and fourth sentences include no references to any parts of the record relied on to support the statements. Moreover, the statement in the fifth sentence is a mischaracterization of the document cited. The House respectfully refers the Court to the document cited in paragraph 4 of Defendants' Rule 56 Statement for a complete and accurate statement of its contents.

5. The statements in paragraph 5 of Defendants' Rule 56 Statement are not facts, are not material, are legal conclusions, and/or are characterizations of the statute cited, and, as such, are disputed. Moreover, the statements in the second and third sentences include no references to any parts of the record relied on to support the statements. The House respectfully refers the

Court to the statute cited in paragraph 5 of Defendants' Rule 56 Statement for a complete and accurate statement of its contents.

6. The statement in paragraph 6 of Defendants' Rule 56 Statement is not disputed.

7. The statements in paragraph 7 of Defendants' Rule 56 Statement are not facts, are not material, are legal conclusions, and/or are characterizations of the statute and letter cited, and, as such, are disputed. The House respectfully refers the Court to the statute and letter cited in paragraph 7 of Defendants' Rule 56 Statement for a complete and accurate statement of their contents.

8. The statement in paragraph 8 of Defendants' Rule 56 Statement that, "[s]ince January 2014, Treasury has been making advance payments of premium tax credits and cost-sharing reductions to issuers of qualified health plans," is not disputed. The remainder of the statement, "as required by Section 1412 of the ACA," is not a fact, is not material, is a legal conclusion, and/or is a characterization of the statute and document cited, and, as such, is disputed. The House respectfully refers the Court to the statute and document cited in paragraph 8 of Defendants' Rule 56 Statement for a complete and accurate statement of their contents.

Respectfully submitted,

/s/ Jonathan Turley

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