

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

JACQUELINE HALBIG, et al.,)

Plaintiffs,)

v.)

KATHLEEN SEBELIUS, in her official capacity)
as U.S. Secretary of Health and Human Services,)
et al.,)

Defendants.)

Case No. 1:13-cv-00623-PLF

**DEFENDANTS' NOTICE OF FILING
OF SUPPLEMENTAL DECLARATION**

The defendants hereby respectfully submit the Supplemental Declaration of Donald B. Moulds. This supplemental declaration addresses the calculation of premiums for health insurance plans available to the plaintiff, David Klemencic, based on data that has become available after the filing of Mr. Mould's original declaration, ECF 38-1.

Dated: October 18, 2013

Respectfully submitted,

STUART F. DELERY
Assistant Attorney General

RONALD C. MACHEN, JR.
United States Attorney

SHEILA LIEBER
Deputy Branch Director

 /s/ Joel McElvain
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ATTACHMENT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACQUELINE HALBIG, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:13-cv-00623-RWR
)	
KATHLEEN SEBELIUS, in her official capacity)	
as U.S. Secretary of Health and Human Services,)	
<i>et al.,</i>)	
)	
Defendants.)	
_____)	

SUPPLEMENTAL DECLARATION OF DONALD B. MOULDS

I, Donald B. Moulds, declare as follows:

1. I am the Acting Assistant Secretary for Planning and Evaluation at the U.S. Department of Health and Human Services (HHS). I have held this position since August 2012. In this position, I am responsible for major activities in policy coordination, legislation development, strategic planning, policy research, evaluation, and economic analysis, including analysis of Health Insurance Marketplace premiums. The statements made in this declaration are based on my personal knowledge, information contained in agency files, and information furnished to me in the course of my official duties.

2. On September 27, 2013, I submitted a declaration in the above-captioned matter. See ECF 38-1. That declaration relied on data, current as of September 18, 2013, regarding Health Insurance Marketplace premiums for 2014 of qualified health plans in the 36 states in which HHS will run the Health Insurance Marketplace in 2014 (in some cases, with support from the state). As noted in that declaration, those premium data were “still under review and may be revised in HHS systems before being displayed for consumers on October 1, 2013.” *Id.* ¶ 2; *see also* http://aspe.hhs.gov/health/reports/2013/MarketplacePremiums/datasheet_home.cfm.

3. Those premium data were subsequently revised in HHS systems before being displayed for consumers on October 1, 2013, on HealthCare.gov. As pertinent here, using the facts as set forth in paragraph 3 of my previous declaration, the monthly premium for the second-lowest-cost silver qualified health plan (QHP) increased from \$438.44 to \$463.81. This revision in turn increased the amount of 26 U.S.C. § 36B premium tax credit available to Mr. Klemencic from \$353.32 per month to \$378.69 per month. After applying this revised premium tax credit to the monthly premium for the lowest-cost bronze QHP, which remains \$371.28, Mr. Klemencic would now pay nothing (\$0/month) for the lowest-cost bronze QHP.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed this 18th day of October, 2013, in Washington, District of Columbia.



Donald B. Moulds