

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

JOHN DOE,

Plaintiff,

v.

SYLVIA BURWELL, in her official capacity as Secretary of the United States Department of Health and Human Services; THOMAS PEREZ, in his official capacity as Secretary of the United States Department of Labor; JACOB J. LEW, in his official capacity as Secretary of the United States Department of the Treasury; KATHERINE ARCHULETA, in her official capacity as Director of the Office of Personnel Management; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; UNITED STATES DEPARTMENT OF LABOR; UNITED STATES DEPARTMENT OF THE TREASURY; and OFFICE OF PERSONNEL MANAGEMENT; HEALTH SOURCE RHODE ISLAND; and ANYA RADER WALLACK, in her official capacity as Director of Health Source Rhode Island,

Defendants.

No. 1:15-cv-00022-L-PAS

NOTICE OF DISMISSAL

NOTICE OF VOLUNTARY DISMISSAL

Now comes the Plaintiff, John Doe, pursuant to Fed.R.Civ.P. 41(a)(1)(A)(i), and hereby voluntarily dismisses the instant action without prejudice.

1. Defendants have made available via Health Source Rhode Island a health insurance plan, Blue Cross Blue Shield of Rhode Island Modified VantageBlue Direct Bronze, that does not include elective abortion coverage and therefore no portion of the premium paid for this plan will be

placed in an account that is used to cover the cost of elective abortion claims. Doe has been successfully enrolled in this plan.

2. State Defendants will pay Doe's monthly premium from March through December 2015 as if he had enrolled (but could not because of the required separate abortion payment) in one of the silver level plans eligible for premium assistance under the Ryan White Program. As a result, he will not be subject to the individual mandate for failing to maintain individual coverage under the ACA for tax year 2015.

3. Doe is currently receiving AIDS Drug Assistance Program benefits under the Ryan White Program and will continue to receive these benefits so long as he remains eligible.

4. The State Defendants have "wrapped" Doe's bronze plan to make it in every other way equivalent to a silver level plan that would have required a separate abortion payment.

5. The Rhode Island Office of Health Insurance Commissioner has issued form filing instructions for plan year 2016 that require that "[a]t least one plan variation for individual market plan designs offered on/off the Exchange at each metal tier level at which the carrier is offering a plan or plans, shall exclude coverage for abortion services as defined by federal law." See http://www.ohic.ri.gov/documents/Insurers/2016%20individual%20and%20small%20group%20form%20rate%20instructions/6_OHIC%20Individual%20and%20Small%20Group%20Form%20Filing%20Instructions%202016.pdf

6. Health Source Rhode Island is adding an asterisk and language to its plan display for plans that do not cover elective abortion coverage for the 2016 plan year to clarify that these plans do not include elective abortion coverage nor require a separate payment for the coverage of elective abortions.

7. As a consequence of the above, Doe hereby voluntarily dismisses his Complaint and, after consultation with counsel for Defendants, states that dismissal is without admission of liability

by any party with each party bearing their own fees and costs and waiving any claim for fees or costs pursuant to 42 U.S.C. § 1988.

Respectfully submitted this 18th day of May 2015,

/s/ M. Casey Mattox

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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of May, 2015, I electronically filed Plaintiff's Notice of Voluntary Dismissal with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to and serve the following NEF parties:

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/s/ M. Casey Mattox
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