

a response is deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents.

2. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

3. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

4. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

5. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

6. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph. To the extent this paragraph discusses Missouri state law, no response is required and defendants respectfully refer the Court to the relevant state statute(s) for a full and accurate statement of its contents.

7. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

8. Defendants are without knowledge or information sufficient to confirm or deny the allegations in the first sentence of this paragraph. The second and third sentences of this paragraph contain plaintiffs' characterization of a July 18, 2013 letter, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the letter for a full and accurate statement of its contents.

9. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

10. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

11. The first and third sentences of this paragraph consist of legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents. With respect to the second sentence, defendants admit that Plan B, Ella, and IUDs are methods of contraception approved by the Food and Drug Administration; defendants deny the remaining allegations in this sentence, including the legal conclusions to which no response is required.

12. The Court dismissed Counts II, III, and IV in its January 8, 2016 Memorandum and Order, *see* ECF No. 66; thus, no response is required to the allegations in this paragraph. In addition, this paragraph consists of legal conclusions to which no response is required; to the extent a response is deemed required, denied.

13. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents.

14. The first sentence of this paragraph consists of legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents. The second sentence of this paragraph consists of plaintiffs' characterization of their lawsuit, to which no response is required.

15. This paragraph sets forth plaintiffs' assertions of jurisdiction and thus is a legal conclusion to which no response is required; to the extent a response is deemed required, denied.

16. This paragraph sets forth plaintiffs' assertion of venue and thus is a legal conclusion to which no response is required.

17. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

18. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

19. Defendants admit that the defendant agencies are responsible for implementing section 2713 of the Public Health Service Act and that they issued regulations pursuant to which guidelines imposing the contraceptive coverage requirement were issued. Defendants deny the remaining allegations in this paragraph.

20. Denied. Pursuant to Federal Rule of Civil Procedure 25(d), Sylvia Mathews Burwell, in her official capacity as Secretary of Health and Human Services, is substituted as a defendant in this action.

21. Defendants admit that the United States Department of Health and Human Services ("HHS") is an executive agency of the United States government and that it shares responsibility for the promulgation and administration of the contraception coverage requirement with the Departments of Labor and the Treasury, and that HHS shares responsibility for the enforcement of the contraceptive coverage requirement with the Departments of Labor and the Treasury and state governments. Defendants deny the remaining allegations in this paragraph.

22. Denied. Pursuant to Federal Rule of Civil Procedure 25(d), Thomas E. Perez, in his official capacity as Secretary of Labor, is substituted as a defendant in this action.

23. Defendants admit that the United States Department of Labor is an executive agency of the United States government and that it shares responsibility for the promulgation and administration of the contraception coverage requirement with HHS and the Department of the Treasury, and that the Department of Labor shares responsibility for the enforcement of the contraceptive coverage requirement with HHS, the Department of the Treasury, and state governments. Defendants deny the remaining allegations in this paragraph.

24. Admit.

25. Defendants admit that the United States Department of the Treasury is an executive agency of the United States government and that it shares responsibility for the promulgation and administration of the contraception coverage requirement with HHS and the Department of Labor, and that the Department of the Treasury shares responsibility for the enforcement of the contraceptive coverage requirement with HHS, the Department of Labor, and state governments. Defendants deny the remaining allegations in this paragraph.

26. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

27. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

28. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

29. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

30. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

31. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph. To the extent this paragraph discusses Missouri state law, no response is required and defendants respectfully refer the Court to the relevant state statute(s) for a full and accurate statement of its contents.

32. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

33. This paragraph contains plaintiffs' characterization of a July 18, 2013 letter (first referenced in paragraph 8 of the Complaint), to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the letter for a full and accurate statement of its contents.

34. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

35. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

36. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

37. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

38. The Court dismissed Count III in its January 8, 2016 Memorandum and Order, *see* ECF No. 66; thus, no response is required to the allegations in this paragraphs. In addition, this paragraph consists of legal conclusions to which no response is required; to the extent a response is deemed required, denied. To the extent this paragraph discusses plaintiffs' beliefs, defendants are without knowledge or information sufficient to confirm or deny the allegations.

39. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

40. Admit.

41. This paragraph consists of legal conclusions and plaintiffs' characterization of the Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act ("ACA"), to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the statute for a full and accurate statement of its contents.

42. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the statute for a full and accurate statement of its contents.

43. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA and 26 U.S.C. § 4980H(c)(2)(A), to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the relevant statutory provisions for a full and accurate statement of their contents.

44. The Court dismissed Count II in its January 8, 2016 Memorandum and Order, *see* ECF No. 66; thus, no response is required to the allegations in this paragraph. In addition, this paragraph consists of legal conclusions to which no response is required; to the extent a response is deemed required, denied.

45. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is

deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents.

46. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents.

47. This paragraph consists of plaintiffs' characterization of a webpage and a Federal Register document, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the webpage and Federal Register document for a full and accurate statement of their contents. (The current link for the webpage cited is <https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/keeping-the-health-plan-you-have-grandfathered.html>.)

48. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents.

49. The Court dismissed Count II in its January 8, 2016 Memorandum and Order, *see* ECF No. 66; thus, no response is required to the allegations in this paragraphs. In addition, this paragraph consists of legal conclusions to which no response is required; to the extent a response is deemed required, denied.

50. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is

deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents.

51. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is deemed required, defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents.

52. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents. This paragraph is also vague, because the reference to "waivers," without further elaboration, is ambiguous.

53. The Court dismissed Count II in its January 8, 2016 Memorandum and Order, *see* ECF No. 66; thus, no response is required to the allegations in this paragraphs. In addition, this paragraph consists of legal conclusions to which no response is required; to the extent a response is deemed required, denied.

54. The Court dismissed Count II in its January 8, 2016 Memorandum and Order, *see* ECF No. 66; thus, no response is required to the allegations in this paragraphs. In addition, this paragraph consists of legal conclusions to which no response is required; to the extent a response is deemed required, denied.

55. The Court dismissed Count II in its January 8, 2016 Memorandum and Order, *see* ECF No. 66; thus, no response is required to the allegations in this paragraphs. In addition, this paragraph consists of legal conclusions to which no response is required; to the extent a response is deemed required, denied.

56. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents.

57. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the statute for a full and accurate statement of its contents.

58. Defendants admit that the agency defendants issued interim final rules on July 19, 2010, entitled "Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act." The remainder of this paragraph consists of legal conclusions and plaintiffs' characterization of the interim final rules, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the interim final rules for a full and accurate statement of their contents.

59. Defendants admit that they received comments in response to the interim final rules. The remainder of this paragraph consists of plaintiffs' characterization of those comments, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the comments for a full and accurate statement of their contents.

60. Defendants admit that HHS requested that the Institute of Medicine ("IOM"), an independent, non-profit private health policy organization, develop recommendations for comprehensive guidelines for preventive services for women. Defendants deny the remaining allegations in this paragraph.

61. Defendants admit that in developing its recommendations, IOM invited technical experts, including the organizations and individuals listed in this paragraph, to make presentations on preventive care at public meetings. Defendants deny the remaining allegations in this paragraph and deny that the organizations and individuals listed were the only invited presenters.

62. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph because defendants do not know the views of all of the invited presenters regarding government-mandated coverage of abortion and related education and counseling.

63. Defendants admit that IOM released its report, “Clinical Preventive Services for Women: Closing the Gaps,” on July 19, 2011. The remainder of this paragraph consists of plaintiffs’ characterization of the report, including its recommendations, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the report for a full and accurate statement of its contents.

64. Admit.

65. Defendants admit that the agency defendants issued interim final rules on August 1, 2011, entitled “Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act.” Defendants further admit that the Health Resources and Services Administration (“HRSA”) issued Women’s Preventive Services Guidelines on August 1, 2011. The remainder of this paragraph consists of legal conclusions and plaintiffs’ characterization of the interim final rules and HRSA’s guidelines, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the interim final rules and HRSA’s guidelines for a full and accurate statement of their contents.

66. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents.

67. Defendants admit that the interim final rules issued on August 1, 2011 were effective on August 1, 2011. Defendants deny the remaining allegations of this paragraph.

68. This paragraph consists of legal conclusions and plaintiffs' characterization of comments and the interim final rules, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the comments and interim final rules for a full and accurate statement of their contents.

69. The first sentence of this paragraph is admitted. With respect to the second sentence of this paragraph, defendants admit that they received more than 100,000 comments on the August 1, 2011 interim final rules. The remainder of the second sentence consists of plaintiff's characterization of the comments, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the comments for a full and accurate statement of their contents.

70. Defendants admit that on October 5, 2011, then-Secretary of Health and Human Services Kathleen Sebelius spoke at a fundraiser for NARAL Pro-Choice America. The remainder of this paragraph contains plaintiffs' characterization of Ms. Sebelius's speech, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the entire speech for a full and accurate statement of its contents.

71. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is

deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents.

72. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents.

73. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents.

74. This paragraph contains legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents. In addition, defendants are without knowledge or information sufficient to confirm or deny some of the allegations in this paragraph.

75. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents.

76. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents.

77. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents.

78. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

79. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents.

80. The Court dismissed Count IV in its January 8, 2016 Memorandum and Order, *see* ECF No. 66; thus, no response is required to the allegations in this paragraphs. In addition, this paragraph consists of legal conclusions to which no response is required; to the extent a response is deemed required, denied.

81. This paragraph consists of plaintiffs' characterization of Missouri state law, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the state statute for a full and accurate statement of its contents.

82. The first sentence of this paragraph consists of legal conclusions and plaintiffs' characterization of Missouri state law, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the state statute for a full and accurate statement of its contents. Defendants are without knowledge or information sufficient to confirm or deny the allegations in the second and third sentences of this paragraph.

83. This paragraph consists of legal conclusions to which no response is required; to the extent a response is deemed required, denied. To the extent this paragraph discusses plaintiffs' beliefs, defendants are without knowledge or information sufficient to confirm or deny the allegations.

84. This paragraph consists of legal conclusions to which no response is required; to the extent a response is deemed required, denied.

85. This paragraph consists of legal conclusions to which no response is required; to the extent a response is deemed required, denied.

86. This paragraph consists of legal conclusions to which no response is required; to the extent a response is deemed required, denied.

87. This paragraph consists of legal conclusions to which no response is required; to the extent a response is deemed required, denied.

88. This paragraph incorporates by reference all preceding paragraphs; to the extent a response is deemed required, defendants incorporate by reference and refer the Court to their responses to the preceding paragraphs.

89. Defendants are without knowledge or information sufficient to confirm or deny the allegations in the first sentence of this paragraph. The second sentence of this paragraph consists of legal conclusions to which no response is required; to the extent a response is deemed required, denied.

90. This paragraph consists of legal conclusions and plaintiffs' characterization of the ACA and implementing regulations, to which no response is required; to the extent a response is deemed required, denied, and defendants respectfully refer the Court to the statute and regulations for a full and accurate statement of their contents.

91. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

92. Defendants are without knowledge or information sufficient to confirm or deny the allegations in this paragraph.

93. This paragraph consists of legal conclusions to which no response is required; to the extent a response is deemed required, denied.

94. This paragraph consists of legal conclusions to which no response is required; to the extent a response is deemed required, denied.

95. This paragraph consists of legal conclusions to which no response is required; to the extent a response is deemed required, denied.

96. This paragraph consists of legal conclusions to which no response is required; to the extent a response is deemed required, denied.

97. This paragraph consists of legal conclusions to which no response is required; to the extent a response is deemed required, denied.

98 – 114. The Court dismissed Count II in its January 8, 2016 Memorandum and Order, *see* ECF No. 66; thus, no response is required to the allegations in paragraphs 98 through 114.

115 – 118. The Court dismissed Count III in its January 8, 2016 Memorandum and Order, *see* ECF No. 66; thus, no response is required to the allegations in paragraphs 115 through 118.

119 – 126. The Court dismissed Count IV in its January 8, 2016 Memorandum and Order, *see* ECF No. 66; thus, no response is required to the allegations in paragraphs 119 through 126.

127 – 131. The Court dismissed Count V in its January 8, 2016 Memorandum and Order, *see* ECF No. 66; thus, no response is required to the allegations in paragraphs 127 through 131.

The remaining paragraphs constitute a prayer for relief to which no response is required; to the extent a response is deemed required, defendants deny that plaintiffs are entitled to the relief requested, or to any relief whatsoever.

Defendants hereby deny all allegations in plaintiffs' Complaint not expressly admitted or denied.

THEREFORE, having fully answered, defendants assert that plaintiffs are not entitled to the relief requested, or to any relief whatsoever, and request that this action be dismissed with prejudice and that defendants be given such other relief as the Court deems just and proper.

Respectfully submitted this 22nd day of January, 2016,

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CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice of such filing to all parties.

s/ Michelle R. Bennett
MICHELLE R. BENNETT