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Date: 4/24/2013 12:04:17 PM

Subject: FW: Supreme Court Opinions in Health Insurance Cases (Hampton and Bryson)

Attachments: 27244.pdf
27245.pdf

Unanimous decision against us. See explanation below.

From: Michael Anzelmo [mailto:Michael.Anzelmo@nelsonmullins.com]
Sent: Wednesday, April 24, 2013 11:34 AM
To: Patel, Swati; Condon, Bill; Holly, Jim; Koch, Paul
Cc: Mitch Brown; Bill Wood
Subject: Supreme Court Opinions in Health Insurance Cases (Hampton and Bryson)

All,

The Supreme Court issued the opinions in the Hampton and Bryson matters. The Hampton opinion contains the Court's reasoning and holding. Both opinions are attached. The Court ruled 5-0 against our arguments.

In short, the Court held the General Assembly "mandated the appropriated funds be spent in full on the premium increases and afforded the Board no discretion as to enrollee premiums." The Court supported this holding by stating the "2012-2013 Appropriations Act expressed the clear intent of the General Assembly that the entire \$51 million appropriation be spent on the premium increases and enrollees no bear any of the premium increase." The Court found that the budget stated "the \$51 million was listed as being appropriated for 'HLTH INSURANCE-EMPLOYER CONTRIBUTIONS.'" Therefore, the Board was bound by that decision and violated the separation of powers doctrine by declining "to use the appropriated funds for the premium increases and instead raised enrollee contribution rates."

Please let me know if you have any questions or need additional information.

Thanks,
Michael

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