

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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CENTER FOR THE STUDY OF SERVICES,		)	
ALSO DBA CONSUMERS' CHECKBOOK		)	
		)	
Plaintiff,		)	
		)	
v.		)	Civil Action No. 14-0498
		)	
UNITED STATES DEPARTMENT OF,		)	
HEALTH AND HUMAN SERVICES, et al.,		)	
		)	
Defendants.		)	
_____		)	

~~PROPOSED~~ ORDER

UPON CONSIDERATION OF the Parties' Proposed Schedule for release of certain records regarding health benefits plans offered through the Federally-Facilitated Marketplace ("FFM") for plan year 2016 only, IT IS HEREBY

ORDERED, that the Parties' Proposed Schedule for release of information regarding the benefit designs of health insurance plans offered through the FFM for plan year 2016 is GRANTED.

The adoption of this proposed schedule is pursuant to this Order, shall have no precedential value and is confined to the unique circumstances of this case. This Order does not provide that any of the disclosures or other actions by Defendants are required by the FOIA, and does not create a precedent for how Defendants will process, assert any exemptions with respect to, or release records in response to future FOIA requests filed by the Plaintiff or any other requester. Nor does this Order provide that FOIA permits Defendants to withhold the requested data in the future.

IT IS FURTHER ORDERED that, by September 15, 2015, Defendant shall provide to plaintiff a data dictionary file containing the data elements that will appear in the Public Use File ("PUF") that Defendants anticipate will be made public on October 23, 2015. That dictionary will include the data types, valid values, and definitions of the data elements.


IT IS FURTHER ORDERED that, by October 13, 2015, Defendants shall provide the Plaintiff with the agency records described in Plaintiff's May 21, 2015 request under the FOIA to Defendant CMS (i.e., the details for each health plan of the benefits that will be offered by each Federally-Facilitated Exchange/Marketplace-eligible plan for plan year 2016). These records will contain details of all of the benefits that will be included in the public use file that Defendants plan to make public on October 23, 2015. Defendants will provide the requested agency records in the format that such records are maintained by CMS in its database on October 13, 2015. This format may be either the format that will be used in the 2016 Rate and Benefit Public Use File or in the CCIIO/SERFF XML format, but if the records are provided in the XML format then Defendants shall provide plaintiff with the same agency records in the PUF format by October 15, 2015. If Defendants do not publicly release the 2016 Rate and Benefit Public Use File on October 23, 2015, Defendants will provide an updated version of the requested agency records to Plaintiff, in the format that will be used in the 2016 Rate and Benefit Public Use File, on October 23, 2015.

IT IS FURTHER ORDERED that Plaintiff shall take all reasonable measures to replace the 2016 FFM plan benefit information disclosed in its plan comparison tool after Plaintiff receives the 2016 Rate and Benefit Public Use File that Defendants anticipate will be made public on October 23, 2015, and that Plaintiff shall not disseminate, until after the release of the

public use file on or about October 23, 2015, the information required to be disclosed by Defendants pursuant to this Order.

IT IS FURTHER ORDERED that Defendant will move for summary judgment on or before November 16, 2015, that Plaintiff will file its Opposition and any Cross-Motion for Summary Judgment on or before December 15, 2015, that Defendant will file a Reply and any Opposition on or before January 15, 2016, and that Plaintiff will file any Reply on or before February 15, 2016.

SO ORDERED.

 8/12/15  
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UNITED STATES DISTRICT JUDGE