
NEW YORK INSURANCE ASSOCIATION, INC., AMERICAN TRANSIT INSURANCE COMPANY, EVEREADY INSURANCE COMPANY, GREATER NEW YORK MUTUAL INSURANCE COMPANY, KINGSTONE INSURANCE COMPANY, MERCHANTS INSURANCE GROUP and UTICA MUTUAL INSURANCE COMPANY,

Plaintiffs,

-against-

STATE OF NEW YORK, ANDREW M. CUOMO, Governor of the State of New York, BENJAMIN M. LAWSKY, Superintendent of the New York State Department of Financial Services, and ROBERT L. MEGNA, as Director of Budget,

Defendants.

THE NEW YORK HEALTH PLAN ASSOCIATION, INC.; AETNA HEALTH INC.; AETNA HEALTH INSURANCE COMPANY OF NEW YORK; CDPHP UNIVERSAL BENEFITS, INC.; CAPITAL DISTRICT PHYSICIANS' HEALTH PLAN, INC.; HEALTH NET OF NEW YORK, INC.; HEALTH NET INSURANCE OF NEW YORK, INC.; HEALTHNOW NEW YORK INC.; INDEPENDENT HEALTH ASSOCIATION, INC.; INDEPENDENT HEALTH BENEFITS CORPORATION; MVP HEALTH PLAN, INC.; MVP HEALTH INSURANCE COMPANY; MVP HEALTH SERVICES CORP.; PREFERRED ASSURANCE COMPANY; OXFORD HEALTH INSURANCE, INC.; OXFORD HEALTH PLANS (NY), INC.; UNITEDHEALTHCARE INSURANCE COMPANY OF NEW YORK; and UNITEDHEALTHCARE OF NEW YORK, INC.

Intervenor-Plaintiffs,

-against-

STATE OF NEW YORK; ANDREW M. CUOMO, in his official capacity as Governor of the State of New York; BENJAMIN M. LAWSKY, in his official capacity as Superintendent of the New York State Department of Financial Services; and ROBERT L. MEGNA, in his official capacity as Budget Director of the State of New York,

Defendants.

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Motion for Summary Judgment; Attorney Affirmation in Support of Motion for Summary Judgment; and Affidavit of Paul Macielak in Support of Motion for Summary Judgment, and all exhibits attached thereto, all prior pleadings and proceedings herein, and any evidence and argument presented at any hearing of this motion that may be ordered, Intervenor-Plaintiffs will move this Court, before the Honorable Eugene P. Devine, J.S.C., Supreme Court of the State of New York, County of Albany, 16 Eagle Street, Albany, New York on January 31, 2014 at 9:30 a.m., or as soon thereafter as counsel may be heard, for an Order, granting Intervenor-Plaintiff's Motion for Summary Judgment pursuant to CPLR 3212 and for an Order granting such other relief as the Court deems proper.

Pursuant to agreement of counsel for the parties, answering affidavits shall be served upon the undersigned by January 8, 2014, and any replies shall be served by January 29, 2014.

Dated: Albany, New York
November 22, 2013

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