

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

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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,

**AFFIRMATION OF
RICHARD LOMBARDO**

Index No. 264-10

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.

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RICHARD LOMBARDO, an attorney duly licensed to practice before the courts of the State of New York, affirms the following under penalty of perjury:

1. I am an Assistant Attorney General in the office of ERIC T. SCHNEIDERMAN, Attorney General of the State of New York and attorney for defendants, the State of New York, the Governor of the State of New York, the Superintendent of the Department of Financial Services, and the Director of the Budget.

2. Annexed hereto as Exhibit "1" is a copy of the plaintiffs' summons and complaint, which was filed in this action on January 13, 2010.

3. Annexed hereto as Exhibit "2" is a copy of intervenor-plaintiffs' motion to intervene, which was filed in this action on January 26, 2010.

4. Annexed hereto as Exhibit "3" is a copy of the decision/order granting intervenor-plaintiffs' motion to intervene, which was filed in this action on March 18, 2010.

5. Annexed hereto as Exhibit "4" is a copy intervenor-plaintiffs' complaint, which was filed in this action on March 23, 2010.

6. Annexed hereto as Exhibit "5" is a copy of defendants' answer to plaintiffs' complaint, which was filed in this action on May 4, 2010.

7. Annexed hereto as Exhibit "6" is a copy of defendants' answer to intervenor-plaintiffs' complaint, which was filed in this action on May 4, 2010.

8. Annexed hereto as Exhibit "7" is a copy of the stipulation & order granting plaintiffs and intervenor-plaintiffs leave to file amended complaints, which was filed in this action on April 21, 2011.

9. Annexed hereto as Exhibit "8" is a copy of the plaintiffs' amended complaint, which was filed in this action on April 21, 2011.

10. Annexed hereto as Exhibit "9" is a copy of intervenor-plaintiffs' amended complaint, which was filed in this action on April 21, 2011.

11. Annexed hereto as Exhibit "10" is a copy of defendants' answer to plaintiffs' amended complaint, which was filed in this action on June 20, 2011.

12. Annexed hereto as Exhibit "11" is a copy of defendants' answer to intervenor-plaintiffs' amended complaint, which was filed in this action on June 20, 2011.

13. Annexed hereto as Exhibit "12" is a copy of the stipulation & order granting plaintiffs and intervenor-plaintiffs leave to file second amended complaints, which was filed in this action on March 5, 2013.

14. Annexed hereto as Exhibit "13" is a copy of the plaintiffs' second amended complaint, which was filed in this action on March 15, 2013.

15. Annexed hereto as Exhibit "14" is a copy of intervenor-plaintiffs' second amended complaint, which was filed in this action on March 12, 2013.

16. Annexed hereto as Exhibit "15" is a copy of defendants' answer to plaintiffs' second amended complaint, which was filed in this action on April 11, 2013.

17. Annexed hereto as Exhibit "16" is a copy of defendants' answer to intervenor-plaintiffs' second amended complaint, which was filed in this action on April 11, 2013.

Dated: Albany, New York
November 22, 2013



RICHARD LOMBARDO