

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,

NOTICE OF MOTION

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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PLEASE TAKE NOTICE that, based upon the accompanying affidavits of Martin Schwartzman and Mary Beth Labate and Exhibits "A" through "RR" submitted therewith; the accompanying affidavits of Michael Clarke, Patricia Swolak, Anna Rubin, Ronald Piester, Bryant Stevens, Edward Cahill, Michael Lefebvre, and Richard Hunter; the accompanying affirmation of Richard Lombardo and Exhibits "1" through "16" annexed thereto; the accompanying memorandum of law; and all prior proceedings previously had herein, 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, will make a motion, before Hon. Eugene P. Devine, J.S.C., at the Courthouse located at 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, pursuant to CPLR §3212, granting defendants summary judgment and dismissing plaintiffs' second amended complaint and intervenor-plaintiffs' second amended complaint in their entirety, and for such further relief as the court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR §2214(b), responsive papers, if any, shall be served at least seven days prior to the return date.

Dated: Albany, New York
November 22, 2013

Yours, etc.,

ERIC T. SCHNEIDERMAN
Attorney General of the
State of New York
Attorney for Defendants
By:



RICHARD LOMBARDO
Assistant Attorney General
The Capitol
Albany, New York 12224
(518) 474-9980

To: O'Connell and Aronowitz, P.C.
Attorneys for Plaintiffs
54 State Street
Albany, New York 12207

Greenburg Traurig, LLP
Attorneys for Intervenor-Plaintiffs
54 State Street, 6th Floor
Albany, New York 12207