



August 25, 2020

Via Electronic Filing System and First Class Mail

Hon. Scott S. Harris, Clerk
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

RE: *California, et al., v. Texas, et al.*, No. 19-840
Texas, et al., v. California, et al., No. 19-1019

Dear Mr. Harris:

I represent the state petitioners in No. 19-840, who are respondents in No. 19-1019. The Court granted the petitions in these cases on March 2, 2020. The petition in 19-840 presented three questions, including whether “the minimum coverage provision is severable from the rest of the ACA.” The cross-petition in No. 19-1019 (filed by the state and individual respondents in 19-840, who were plaintiffs in the district court) presented the following questions: “1. Whether the unconstitutional individual mandate to purchase minimum essential coverage is severable from the remainder of the ACA. 2. Whether the district court properly declared the ACA invalid in its entirety and unenforceable anywhere.” On April 2, the Court granted the parties’ joint request to extend the time to file the briefs on the merits, which had proposed a four-stage briefing schedule. The Court ordered that, in the final stage, cross-petitioners could “file a reply brief limited to Question 2 presented by the petition for certiorari in No. 19-1019.”

On August 18, 2020 the state and individual cross-petitioners in No. 19-1019 submitted separate reply briefs. Both briefs acknowledge that the Court’s April 2 order requires the brief to be “limited to Question 2 presented by the petition for certiorari in No. 19-1019.” *Tex. Reply I*; *see Ind. Reply i*. But both briefs contain two separate argument sections, one of which addresses the severability issue raised by Question 1 of the cross-petition. *Tex. Reply 3-11*; *see Ind. Reply 3-11*. The

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state petitioners in No. 19-840 submit this letter to alert the Court that the scope of those briefs appears to be inconsistent with the Court's April 2 order.

Sincerely,

s/ Samuel P. Siegel

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For XAVIER BECERRA
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