

# Senior Litigation and Advocacy Counsel's Report to the Board

## Medicaid Case

We won! Judge Boasberg ruled the HHS Secretary Azar abused his discretion in approving Kentucky's Medicaid waiver application. The case is on appeal. The defendants have requested an expedited briefing schedule, which we opposed. That motion is pending before the DC Circuit Court of Appeals. The schedule proposed by the defendants would have all briefs filed by the end of the summer and oral arguments early this fall (likely September).

## Other Pending Litigation

### Felon Disenfranchisement (Harbin v. Bevin, 6:18-cv-00277-KKC)

Just after Christmas, we filed a Complaint with our co-counsel Fair Elections Center on behalf of four Kentuckians convicted of a felony who have not had their rights restored. We later amended the Complaint to add another five Plaintiffs. One of those plaintiffs has since had her rights restored and has been dismissed from the case.

The Governor filed a Motion to Dismiss our Complaint, which has been fully briefed and is now pending before Judge Caldwell.

### Open Records Request

Oral arguments in the Cabinet of Health and Family Services's appeal of the Franklin Circuit Court's decision that CHFS had violated the Open Records Act when it refused to turn over to Anne Marie documents relating to KY Health are set for May 21 in Louisville. I will be mooted the case with Open Records experts prior to the arguments.

## Amicus Briefs

We filed two amicus briefs in January. One in collaboration with the Student Borrower Protection Center in the Court of Appeals explaining why a student loan servicers' attempt to avoid responding to the Kentucky Attorney General's investigative subpoenas was inappropriate and harmed Kentuckians.

We filed the second amicus brief in the Kentucky Supreme Court explaining the impact that UK Healthcare's decision to refer its medical debt collections to the Department of Revenue harmed its patients and gave UK Healthcare an unfair advantage among medical

providers.

## Follow-up and Potential Areas of Litigation

### Admin

- Statewide Listserv
- Case Acceptance Policies, Case Management Policies, and Supervision Policies