

basis to Plaintiff Hotze and all its employees. ACA compels Plaintiff Braidwood and similar Texas businesses to pay penalties of \$2,000 for every full-time employee, above a 30-employee threshold, or switch to far more expensive and less desirable health insurance coverage, beginning January 1, 2014.

4. The U.S. Supreme Court held that penalties under ACA constitute a tax for the purposes of the U.S. Constitution.

5. But ACA was enacted in violation of the Origination Clause of the U.S. Constitution, Art. I, § 7, cl. 1, because ACA raises revenue but did not originate as a revenue-raising bill in the House of Representatives.

6. ACA also violates the Takings Clause of the Fifth Amendment, by requiring Plaintiffs to transfer their wealth directly to others without a “public use.”

7. ACA violates federalism by compelling a massive transfer in wealth away from Texans, without complying with constitutional requirements.

8. At a U.S. Senate legislative hearing on April 17, 2013, U.S. Senator Max Baucus (D-MT) – a longtime leading supporter of ACA – described it for Defendant Kathleen Sebelius: “I just see a huge train wreck coming down.”¹

9. Plaintiffs seek declaratory and injunctive relief to prevent the enforcement of ACA in Texas.

¹ “Top Dem sees ‘train wreck’ for health law rollout,” *Associated Press* (April 17, 2013) <http://www.boston.com/business/healthcare/2013/04/17/top-dem-sees-train-wreck-for-health-law-rollout/gWZSZPMAvZHNQ01ieSQ5pK/story.html> (viewed May 4, 2013).

THE PARTIES

10. Plaintiff Braidwood Management, Inc. (“Braidwood”), a corporation organized under the laws of the State of Texas, has its principal place of business in Harris County and provides a self-insured employee health coverage plan under the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. § 1001, *et seq.* Plaintiff Braidwood manages health and wellness services for patients, and for the past three consecutive years it has been honored by the *Houston Chronicle* as one of the top workplaces in the Houston area.

11. Plaintiff Steven F. Hotze, M.D. (“Hotze”), a resident of the State of Texas, Harris County, is the founder and one of the employees of Plaintiff Braidwood who participates in its health plan.

12. Defendant Kathleen Sebelius is the Secretary of the Department of Health & Human Services, an executive department of the U.S. government.

13. Defendant Jacob J. Lew is the Secretary of the Department of the Treasury, an executive department of the U.S. government.

JURISDICTION

14. This action arises under the U.S. Constitution and the laws of the United States. Specifically, this action arises from Defendants’ ongoing violations of Article I and the Fifth and Tenth Amendments of the U.S. Constitution. Accordingly, this Court has subject matter jurisdiction here under 28 U.S.C. § 1331 and § 1361, and jurisdiction to render the requested declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202.

VENUE

15. Venue is proper in this district under 28 U.S.C. § 1391(e) because an event giving rise to this litigation occurred here and Plaintiffs are located here.

STATUTORY AND CONSTITUTIONAL BACKGROUND

16. ACA, Pub. L. No. 111-148, 124 Stat. 119, became law on March 23, 2010.

17. ACA penalizes nonexempt individuals, including Plaintiff Hotze, who do not maintain “minimum essential” health insurance coverage under ACA. 26 U.S.C. § 5000A. Individuals who decline to purchase government-approved health insurance effective beginning January 1, 2014, will be assessed a “[s]hared responsibility payment” by the federal government. *Id.* § 5000A(b).

18. ACA describes this financial obligation as a “penalty”, but the U.S. Supreme Court held that Congress lacked the power to impose this penalty under the Commerce Clause, and upheld this “[s]hared responsibility payment” only as an exercise of Congress’s power to “lay and collect Taxes.” *Nat’l Fed’n of Indep. Bus. v. Sebelius* (“*NFIB*”), 132 S. Ct. 2566, 2600 (2012) (citing U.S. CONST., Art. I, § 8, cl. 1). Accordingly, this payment obligation under ACA is a tax.

19. This ACA tax begins January 1, 2014, and increases to 2.5% of an individual’s household income by 2016, up to a maximum amount that equals the average annual premium for insurance covering 60% of the expenses for ten specified services, such as hospitalization and government-approved wellness services. 42 U.S.C. § 18022.

20. This ACA tax is payable to the Internal Revenue Service as part of the individual's tax obligation, subject to the same penalties for late payment as other tax obligations are. 26 U.S.C. § 5000A(g)(1).

21. The U.S. Supreme Court held that this ACA tax is not a tax for the statutory purposes of the Anti-Injunction Act. *NFIB*, 132 S. Ct. at 2584.

EFFECT OF ACA ON PLAINTIFFS

22. Plaintiff Braidwood is subject to ACA as a business having more than 50 full-time equivalent employees.

23. For years, Plaintiff Braidwood has successfully provided a voluntary "high-deductible" health coverage plan for its employees, which directly covers them for medical expenses greater than about \$4,000 per year.

24. Employees who choose to participate in Plaintiff Braidwood's current plan are then able to contribute money on a tax-free basis to their own Health Savings Accounts ("HSAs"), in order to cover expenses that are within their deductible as well as other qualified expenses. Employees can then carry over from year-to-year any contributions to their HSAs under this plan which they do not spend.

25. Plaintiff Hotze and many other employees of Plaintiff Braidwood neither qualify for Medicare (they are under the age of 65) nor qualify for "catastrophic plans" under 26 U.S.C. § 18022(e) in lieu of ACA bronze, silver, gold, or platinum plans (because they are over the age of 30).

26. Plaintiff Hotze and many other employees of Plaintiff Braidwood are

not eligible for ACA-approved forms of “minimum essential coverage” under 26 U.S.C. § 5000A (*e.g.*, Medicaid, CHIP, TRICARE, veteran’s and Peace Corps health programs, eligible employer-sponsored plans of a spouse, or any other ACA-designated form of minimum essential coverage), and are not eligible for any waivers or exemptions provided by statute in ACA or by administrative actions by Defendants and the corresponding federal agencies.

27. Plaintiff Braidwood funded its employee health plan at an expense of roughly \$198,000 for the year 2012.

28. Plaintiffs Hotze and Braidwood must make decisions soon about whether to incur the new penalties imposed by ACA or switch to more expensive and less desirable health insurance coverage pursuant to ACA requirements.

29. Government-approved insurance plans under ACA do not typically cover medical expenses for effective wellness programs, such as those sought by Plaintiff Hotze and other employees of Plaintiff Braidwood.

30. The implementation of ACA has already caused increases in health insurance premiums.

RIPENESS AND IRREPARABLE HARM

31. Plaintiffs will suffer irreparable harm in being compelled to switch to a more expensive government-approved insurance plan that does not cover or reimburse for desired medical services.

32. Plaintiffs will suffer unrecoverable financial losses from the implementation of ACA, which they will have no practical way of recouping from

the federal government or from private, government-approved insurance carriers.

33. Plaintiffs have already suffered harm by the reduction in market choice for affordable health insurance, as insurance premiums have already increased in the market due to ACA.

34. Plaintiffs' claims are ripe because they are sufficiently immediate for purposes of constitutional standing. Their claims are purely legal and thus are fit for judicial review now without the need for future developments, and Plaintiffs will suffer immediate and irreparable hardship if the Court defers review.

35. Defendants have no interest in deferring review and will suffer no hardship from immediate review. Defendants have a significant interest in determining the validity of ACA sooner rather than later.

DECLARATORY RELIEF

36. Plaintiffs seek declaratory relief that ACA is unconstitutional, invalid, and unenforceable, pursuant to 28 U.S.C. §§ 2201 and 2202.

COUNT I **(Violation of the Origination Clause)**

37. Plaintiffs incorporate herein all statements and allegations contained in this Complaint.

38. The Origination Clause of the U.S. Constitution requires that “[a]ll Bills for raising Revenue shall originate in the House of Representatives.” U.S. CONST. Art. I, § 7, cl. 1.

39. The Origination Clause is a limitation on the power of the federal

government, in protection of the people against excessive taxation.

40. The “[s]hared responsibility payment” under ACA “shall be assessed and collected in the same manner’ as tax penalties,” and constitutes a tax. *NFIB*, 132 S. Ct. at 2580, 2600 (quoting 26 U.S.C. § 5000A(g)(1)).

41. This shared-responsibility tax imposed by ACA is paid into the Treasury and raises substantial revenue for the federal government, “expected to raise about \$4 billion per year by 2017.” *NFIB*, 132 S. Ct. at 2594.

42. ACA originated in the Senate, rather than in the House as required by the Origination Clause.

43. Specifically, ACA was substituted into H.R. 3590, entitled the “Service Members Home Ownership Tax Act of 2009.” H.R. 3590, 111th Cong. (2009) (“SMHOTA”), which passed the House of Representatives in October 2009. SMHOTA sought to “amend the Internal Revenue Code of 1986 to modify first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees.” *Id.* at 1.

44. SMHOTA was not a revenue-raising bill, and none of SMHOTA’s six sections raised revenue within the meaning of the Origination Clause, specifically described as follows.

45. Section 1 of SMHOTA merely adopted “Service Members Home Ownership Tax Act of 2009” as H.R. 3590’s short title.

46. Sections 2 and 3 of SMHOTA modified a first-time homebuyer’s tax credit by waiving recapture of the credit for members of the armed forces ordered

to extended duty service overseas, without raising revenue.

47. Section 4 of SMHOTA expanded exclusions from income for fringe benefits that are “qualified military base realignment and closure fringe” benefits under 26 U.S.C. § 132, without raising revenue.

48. Section 5 of SMHOTA increased filing penalties by \$21 (from \$89 to \$110) for failure to file certain returns, without raising revenue.

49. Section 6 of SMHOTA amended the Corporate Estimated Tax Shift Act of 2009, Pub. L. 111-42, tit. II, § 202(b), 123 Stat. 1963, 1964 (2009), to increase the amount of *estimated* taxes that certain corporations must pay, which the Supreme Court has unanimously held “are not taxes in their own right” and thus do not raise revenue. *Baral v. U.S.*, 528 U.S. 431, 436 (2000).

50. In November 2009, the U.S. Senate deleted the entire contents of SMHOTA, renamed the bill as the “Patient Protection and Affordable Care Act” with Senate Amendment No. 2786, 111th Cong. (2009), and inserted ACA.

51. As amended in the Senate, ACA is a revenue-raising bill that did not originate with a revenue-raising bill in the House, and thus ACA violates the Origination Clause of the U.S. Constitution.

52. The ACA shared-responsibility tax is not a constitutional capitation or other direct tax because ACA does not apportion the tax among the States according to the census.

53. The ACA shared-responsibility tax is not a constitutional duty, impost, or excise tax because Congress intended the tax to be non-uniform

throughout the United States to account for the differing costs of medical care in different parts of the United States (*e.g.*, medical care costs are less in rural Kansas than in New York City), and Congress made the tax non-uniform for that reason. *See, e.g.*, 26 U.S.C. § 5000A(e)(1)(B)(ii), (f)(1)(C), (f)(2)(A)-(B); 42 U.S.C. § 300gg-91(d)(8); 29 U.S.C. § 1002(32).

54. Lacking a constitutional basis, ACA violates the Tenth Amendment.

55. Plaintiffs seek injunctive relief prohibiting Defendants from enforcing ACA, under the Tenth Amendment, the Administrative Procedure Act, and corresponding principles of equity.

56. Plaintiffs seek attorney's fees under the Equal Access to Justice Act and corresponding principles of equity.

COUNT II
(Violation of the Fifth Amendment)

57. Plaintiffs incorporate herein all statements and allegations contained in this Complaint.

58. ACA constitutes a "taking" within the meaning of the Takings Clause of the Fifth Amendment because ACA compels Plaintiffs to pay money to other private entities: government-approved health insurance companies.

59. A portion of these payments by Plaintiffs, as compelled by ACA, enrich the shareholders and executives of the private health insurance companies, and another portion of these payments by Plaintiffs forcibly subsidizes lower insurance premiums for others who have government-approved pre-existing

conditions that ACA requires insurance companies to cover.

60. ACA thereby violates the Fifth Amendment by compelling private individuals and entities to make payments to other private entities, without a public use and without just compensation.

61. Congress lacks the authority to tax the public conditionally, based on someone's failure to transfer his property to another private entity.

62. The shared-responsibility tax imposed by ACA is integral to the remainder of ACA, such that the unconstitutionality of this tax under the Fifth Amendment renders all of ACA unconstitutional, in light of the lack of a severability clause in ACA.

63. Plaintiffs seek injunctive relief prohibiting Defendants from enforcing ACA, under the Fifth and Tenth Amendments, the Administrative Procedure Act, and corresponding principles of equity.

64. Plaintiffs seek attorney's fees under the Equal Access to Justice Act and corresponding principles of equity.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that the Court:

(i) Declare that ACA violates the Origination Clause of the U.S. Constitution;

(ii) Declare that ACA violates the Fifth Amendment of the U.S. Constitution;

(iii) Declare that ACA violates the Tenth Amendment of the U.S. Constitution;

(iv) Declare that ACA's shared-responsibility penalty and the accompanying regulatory regime fall outside the power of the federal government under the Commerce Clause of the U.S. Constitution;

(v) Issue an order prohibiting Defendants from enforcing ACA against Plaintiffs and other similarly situated residents of Texas;

(vi) Award Plaintiffs reasonable attorney's fees and costs; and

(vii) Award such other and further relief as the Court deems equitable and just.

Respectfully submitted,

/s/ Andrew L. Schlafly

Andrew L. Schlafly

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Attorney for Plaintiffs
Steven F. Hotze, M.D., and
Braidwood Management, Inc.

Dated: May 7, 2013

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS Steven F. Hotze, M.D., and Braidwood Management, Inc.</p> <p>(b) County of Residence of First Listed Plaintiff <u>Harris County, Texas</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i> Andrew L. Schlafly, Attorney at Law, 939 Old Chester Rd., Far Hills, NJ 07931, (908) 719-8608, Email: aschlafly@aol.com</p>	<p>DEFENDANTS Kathleen Sebelius, U.S. Secretary of Health & Human Services, and Jacob J. Lew, U.S. Secretary of the Treasury, in their official capacities</p> <p>County of Residence of First Listed Defendant <u>Washington, D.C.</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated <i>or</i> Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated <i>and</i> Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury - Medical Malpractice</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Management Relations</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 751 Family and Medical Leave Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Employee Retirement Income Security Act</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input checked="" type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
<p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>CIVIL RIGHTS</p> <p><input type="checkbox"/> 440 Other Civil Rights</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 445 Amer. w/Disabilities - Employment</p> <p><input type="checkbox"/> 446 Amer. w/Disabilities - Other</p> <p><input type="checkbox"/> 448 Education</p>	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <p><input type="checkbox"/> 463 Alien Detainee</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p>Other:</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p> <p><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement</p>		

V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District *(specify)* 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*
U.S. Constitution, Article I and Amendments V and X; also Pub. L. No. 111-148

Brief description of cause:
Challenge to the constitutionality of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):* JUDGE _____ DOCKET NUMBER _____

DATE: 05/07/2013 SIGNATURE OF ATTORNEY OF RECORD: s/ Andrew L. Schlafly

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____