

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JACQUELINE HALBIG, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 KATHLEEN SEBELIUS, in her official capacity)
 as U.S. Secretary of Health and Human Services,)
 et al.,)
)
 Defendants.)
)
 _____)

Case No. 1:13-cv-00623-RWR

DECLARATION OF DONALD B. MOULDS

I, Donald B. Moulds, declare as follows:

1. I am the Acting Assistant Secretary for Planning and Evaluation at the U.S. Department of Health and Human Services (HHS). I have held this position since August 2012. In this position, I am responsible for major activities in policy coordination, legislation development, strategic planning, policy research, evaluation, and economic analysis, including analysis of Health Insurance Marketplace premiums. The statements made in this declaration are based on my personal knowledge, information contained in agency files, and information furnished to me in the course of my official duties.


2. On September 25, 2013, my office, the Office of the Assistant Secretary for Planning and Evaluation of HHS (ASPE), issued a databook that contains information, current as of September 18, 2013, regarding Health Insurance Marketplace premiums for 2014 of qualified health plans in the 36 states in which HHS will support or fully run the Health Insurance Marketplace in 2014 (“2014 Marketplace premiums”). That databook is publicly available at http://aspe.hhs.gov/health/reports/2013/MarketplacePremiums/datasheet_home.cfm. These 2014 Marketplace premiums vary by state, rating area, and the age of the covered individual. This data is still under review and may be revised in HHS systems before being displayed for consumers on October 1, 2013.

3. I understand that, according to the August 5, 2013 declaration filed by plaintiff David Klemencic in the above-captioned matter, Mr. Klemencic resides in Cairo, West Virginia, will be 54 years on January 1, 2014, is not married, and has no dependents. *See* August 5, 2013 Klemencic Decl., No. 24-1. I also understand from this declaration that Mr. Klemencic projects his modified adjusted gross income for 2014 to be \$20,000. *See id.*

4. As a resident of Cairo, West Virginia in Ritchie County, Mr. Klemencic is in rating area 10 of West Virginia for purposes of calculating his 2014 Marketplace premiums. *See* CMS-CCIIO, State Specific Geographic Rating Areas, available at <http://www.cms.gov/ccio/programs-and-initiatives/health-insurance-market-reforms/state-gra.html> (last visited Sept. 26, 2013). Assuming the facts as set forth above in paragraph 3 and using the 2014 Marketplace premium data, Mr. Klemencic would pay – before the application of any premium tax credits – a monthly premium of \$339.76 for the lowest-cost catastrophic qualified health plan (QHP), \$371.28 for the lowest-cost bronze QHP, and \$438.44 for the second-lowest-cost silver QHP.

5. Assuming the facts as set forth above in paragraph 3 and based on the information currently available, because Mr. Klemencic's household income in 2014 will be \$20,000 and the monthly premiums for the second-lowest-cost silver QHP will be \$438.44, under 26 U.S.C. § 36B, he will be eligible for a § 36B premium tax credit of at least \$353.32 per month. After applying this tax credit to the cost of the lowest cost bronze QHP, that plan would cost Mr. Klemencic \$17.96/month or less.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed this 27th day of September, 2013, in Washington, District of Columbia.



Donald B. Moulds