

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

UnitedHealth Group Incorporated,

Case Type: Civil Other/Miscellaneous

UnitedHealthcare of Illinois, Inc., and

Court File No. _____

UnitedHealthcare Life Insurance Company,

Plaintiffs,

SUMMONS

v.

State of Minnesota,

Keith Ellison, Attorney General, in his
official capacity, and

Jodi Harpstead, Commissioner of the
Department of Human Services, in her
official capacity,

Defendants.

**THIS SUMMONS IS DIRECTED TO THE ABOVE-NAMED DEFENDANTS:
STATE OF MINNESOTA; KEITH ELLISON, ATTORNEY GENERAL, IN HIS
OFFICIAL CAPACITY; AND JODI HARPSTEAD, COMMISSIONER OF THE
DEPARTMENT OF HUMAN SERVICES, IN HER OFFICIAL CAPACITY.**

1. You are being sued. The Plaintiffs have started a lawsuit against you. The *Complaint* is attached to this *Summons*. Do not throw these papers away. They are official papers that start a lawsuit and affect your legal rights, even if nothing has been filed with the court and even if there is no court file number on this *Summons*.

2. You must BOTH reply, in writing, AND get a copy of your reply to the person/business who is suing you within 21 days to protect your rights. Your reply is called an *Answer*. Getting your reply to the Plaintiffs is called service. You must serve a copy of your *Answer or Answer and Counterclaim* (Answer) within 21 days from the date you received the *Summons* and *Complaint*.

ANSWER: You can find the *Answer* form and instructions on the MN Judicial Branch website at www.mncourts.gov/forms under the “Civil” category. The instructions will explain in detail how to fill out the *Answer* form.

3. You must respond to each claim. The *Answer* is your written response to the Plaintiffs’ *Complaint*. In your *Answer* you must state whether you agree or disagree with each paragraph of the *Complaint*. If you think the Plaintiffs should not be given everything they asked for in the *Complaint*, you must say that in your *Answer*.

4. SERVICE: You may lose your case if you do not send a written response to the Plaintiffs. If you do not serve a written *Answer* within 21 days, you may lose this case by default. You will not get to tell your side of the story. If you choose not to respond, the Plaintiffs may be awarded everything they asked for in their *Complaint*. If you agree with the claims stated in the *Complaint*, you don’t need to respond. A default judgment can then be entered against you for what the Plaintiffs asked for in the *Complaint*.

To protect your rights, you must serve a copy of your *Answer* on the person who signed this *Summons* in person or by mail at this address:

Attn: Aaron D. Van Oort
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901

5. Carefully read the Instructions (CIV301) for the *Answer* for your next steps.

6. Legal Assistance. You may wish to get legal help from an attorney. If you do not have an attorney and would like legal help:

- Visit www.mncourts.gov/selfhelp and click on the “Legal Advice Clinics” tab to get more information about legal clinics in each Minnesota county.
- Court Administration may have information about places where you can get legal assistance.

NOTE: Even if you cannot get legal help, you must still serve a written *Answer* to protect your rights or you may lose the case.

7. Alternative Dispute Resolution (ADR). The parties may agree to or be ordered to participate in an ADR process under Rule 114 of the Minnesota Rules of Practice. You must still serve your written *Answer*, even if you expect to use ADR.

Date: August 2, 2024

By: /s/ Aaron D. Van Oort
Aaron D. Van Oort (#0315539)

Peter C. Magnuson (#0392342)
Hannah M. Leiendecker (#0399361)
John L. Rockenbach (#0401271)
Josiah D. Young (#0401760)
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
Tel.: (612) 766-7000
aaron.vanoort@faegredrinker.com
peter.magnuson@faegredrinker.com
hannah.leiendecker@faegredrinker.com
john.rockenbach@faegredrinker.com
josiah.young@faegredrinker.com

*Attorneys for UnitedHealth Group Incorporated,
UnitedHealthcare of Illinois, Inc., and UnitedHealthcare
Life Insurance Company*

MINN. STAT. § 549.211 ACKNOWLEDGMENT

The party on whose behalf the attached document is served acknowledges through its undersigned counsel that sanctions, including reasonable attorney's fees and other expenses, may be awarded to the opposite party or parties pursuant to Minn. Stat. § 549.211.

Date: August 2, 2024

By: /s/ Aaron D. Van Oort
Aaron D. Van Oort (#0315539)

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

UnitedHealth Group Incorporated,

Case Type: Civil Other/Miscellaneous

UnitedHealthcare of Illinois, Inc., and

Court File No. _____

UnitedHealthcare Life Insurance Company,

Plaintiffs,

COMPLAINT

v.

State of Minnesota,

Keith Ellison, Attorney General, in his
official capacity, and

Jodi Harpstead, Commissioner of the
Department of Human Services, in her
official capacity,

Defendants.

INTRODUCTION

1. This case concerns Article IV, Section 17 of the Minnesota Constitution, which protects accountability and transparency in the democratic process by requiring that “[n]o law shall embrace more than one subject, which shall be expressed in its title.” *See* Minn. Const. art. IV, sec. 17. The Minnesota Supreme Court has repeatedly stated that the Legislature must honor both the Single Subject Clause and the Title Clause of Section 17. Governors and legislators from both parties have likewise repeatedly insisted that good government demands complying with the Single Subject Clause and Title Clause. Yet on the last day of this year’s legislative session, the Legislature stuffed hundreds of laws into a

single, monstrous 1,492-page Omnibus Bill (the “Jumbo Omnibus” or “Bill”) and passed it minutes before midnight on Sunday, May 19, 2024. Legislators and the public were given no time for review or debate—and some legislators were unable even to see the Bill.

2. The Jumbo Omnibus violates the Single Subject and Title Clauses of Section 17. It governs everything from higher education, to traffic cameras, to Uber and Lyft driver compensation, to veterinary licensing, to power plant emissions (to name only a few of the many subjects it addresses). Buried within the Jumbo Omnibus is a provision that adversely affects Plaintiffs UnitedHealth Group Incorporated and UnitedHealthcare of Illinois, Inc. (“UHCI”) (collectively, “UnitedHealth”) by prohibiting the Commissioner of the Department of Human Services (the “Commissioner”) from entering into new contracts with for-profit HMOs. UnitedHealth brings this suit to enforce the democratic protections of the Minnesota Constitution and to have the provision declared unconstitutional under the Single Subject and Title Clauses and stricken from the law.

3. As long as Minnesota has been a state, Section 17’s twin provisions—the Single Subject and Title Clauses—have protected the democratic process by requiring accountability and transparency in legislation. The Single Subject Clause prevents unpopular legislation that would not command a majority from being bundled with unrelated, popular legislation “and then carried through by a combination of interests.” *Johnson v. Harrison*, 50 N.W. 923, 924 (Minn. 1891). The Title Clause prevents legislation from being given a vague title that “gives no intimation of the nature of the proposed legislation, or of the interests likely to be affected by its becoming a law.” *Id.*

4. The Minnesota Supreme Court has repeatedly emphasized the importance of both Clauses, declaring that “[t]he Single Subject and Title Clause, as Minnesota’s first ‘sunshine law,’ requires that the legislature not fold into larger, more popular bills, wholly unrelated and potentially unpopular provisions that may not pass as a stand-alone bill.” *Assoc. Builders & Contractors v. Ventura*, 610 N.W.2d 293, 303 (Minn. 2000).

5. Legislators from both major political parties have likewise emphasized the importance of the Single Subject and Title Clauses to democratic accountability. In 2017, Democratic-Farmer-Labor (“DFL”) legislators declared that “[p]acking numerous, often unrelated policy provisions and appropriations riders into a single bill is a violation of the constitution and it is injurious to the public.” Minn. Sen. J., 90th Leg., Special Sess. 111 (2017).¹ Similarly, Republican leaders recently emphasized that when these requirements are ignored, it results in “a legislative environment where rules, transparency, and process are second to the whims of partisanship.” *See* Letter from Minnesota Senate Minority Leader Mark T. Johnson and House Minority Leader Lisa M. Demuth to Minnesota Governor Tim Walz (May 22, 2024).²

6. Yet as often as legislators have promised to follow the Constitution’s Single Subject and Title Clauses, they have broken their promises. This is not a partisan issue. Each majority party, when in control of the Legislature, has succumbed to the expediency of using omnibus bills to enact numerous measures covering multiple subjects at once.

¹ Available at https://www.senate.mn/journals//2017-2018/2017052504_ss1.pdf#page=75 (last visited July 24, 2024).

² Available at <https://www.mnsenaterepublicans.com/wp-content/uploads/2024/05/Joint-Letter-to-Governor-May-22-2024.pdf> (last visited July 24, 2024).

7. The Legislature’s inability to comply with the Constitution has led the Minnesota Supreme Court and its Justices to recognize that enforcing the Single Subject and Title Clauses may, of necessity, become a task that falls to the Judiciary. In 1989, Chief Justice Popovich declared: “[T]he court is increasingly concerned about the possibilities of future violations of art. 4, section 17. . . . **The views of the justices expressed today should be considered as instructive, alerting a co-equal branch of government, the legislature, to our concerns.**” *See Blanch v. Suburban Hennepin Reg’l Park Dist.*, 449 N.W.2d 150, 156–57 (Minn. 1989) (Popovich, C.J., concurring specially) (emphasis added). In 2018, in the Minnesota Supreme Court’s most recent case on the Single Subject Clause, the Court issued a particularly stern warning to the Legislature: “We remain firmly committed to our constitutional duty ‘to prohibit infringements by either the legislative or executive branch of the government of [the] constitutional rights vested in the people.’ **We trust that the Legislature has heard, and will heed, these warnings.**” *See Otto v. Wright Cnty.*, 910 N.W.2d 446, 459 (Minn. 2018) (emphasis added) (quoting *State ex rel. Mattson v. Kiedrowski*, 391 N.W.2d 777, 785 (Minn. 1986) (Yetka, J., concurring specially)).

8. Despite the Supreme Court’s warnings, the Minnesota Legislature this year enacted the most blatant violation of the Single Subject Clause in state history. Just minutes before midnight on a Sunday night, the House and Senate each passed a single, monstrous omnibus bill. The Jumbo Omnibus spans 1,492 pages and contains 73 separate articles, each with its own sections. *See* HF 5247, 4th Engrossment – 93d Leg. (2023–2024).³ The Jumbo

³ Available at https://www.revisor.mn.gov/bills/text.php?number=HF5247&type=bill&version=4&session=ls93&session_year=2024&session_number=0 (last visited July 24, 2024).

Omnibus was reported out of the Conference Committee for the first time at 10:49 PM. It was introduced for the first time on the House and Senate floors shortly after 11:00 PM. None of the legislators had time to read it, much less any members of the public or press. Nor were legislators given time for debate. The Jumbo Omnibus was on the floor of each chamber for barely ten minutes. It was passed on a party-line vote minutes before midnight.

9. The Jumbo Omnibus mocks the Minnesota Constitution's democratic requirement that "[n]o law shall embrace more than one subject, which shall be expressed in its title." Minn. Const. art. IV, sec. 17. The Jumbo Omnibus embraces myriad subjects, as shown by its title, reprinted here without edits:

A bill for an act

relating to the operation and financing of state government; modifying trunk highway bonds, transportation policy, combative sports, construction codes and licensing, the Bureau of Mediation Services, the Public Employee Labor Relations Act, employee misclassification, earned sick and safe time, University of Minnesota collective bargaining, broadband and pipeline safety, housing policy, and transportation network companies; expediting rental assistance; establishing registration for transfer care specialists; establishing licensure for behavior analysts; establishing licensure for veterinary technicians and a veterinary institutional license; modifying provisions of veterinary supervision; modifying specialty dentist licensure and dental assistant licensure by credentials; removing additional collaboration requirements for physician assistants to provide certain psychiatric treatment; modifying social worker provisional licensure; establishing guest licensure for marriage and family therapists; modifying pharmacy provisions for certain reporting requirements and change of ownership or relocation; modifying higher education policy provisions; amending the definition of trigger activator; increasing penalties for transferring firearms to certain persons who are ineligible to possess firearms; amending agriculture policy provisions; establishing and modifying agriculture programs; providing broadband appropriation transfer authority; requiring an application for federal broadband aid; adding and modifying provisions governing energy policy; establishing the Minnesota Energy Infrastructure Permitting Act; modifying provisions related to disability services, aging services, substance use disorder treatment services, priority admissions to state-operated programs and civil commitment, and Direct Care and Treatment; modifying provisions related to licensing of assisted living facilities; modifying

provisions governing the Department of Human Services, human services health care policy, health care finance, and licensing policy; modifying provisions governing the Department of Health, health policy, health insurance, and health care; modifying provisions governing pharmacy practice and behavioral health; establishing an Office of Emergency Medical Services and making conforming changes; modifying individual income taxes, minerals taxes, tax-forfeited property, and miscellaneous tax provisions; modifying state employee compensation; modifying paid leave provisions; imposing penalties; authorizing administrative rulemaking; making technical changes; requiring reports; appropriating money; amending Minnesota Statutes 2022, sections 3.7371, subdivisions 2, 3, by adding subdivisions; 13.46, subdivisions 1, as amended, 10, as amended; 13.6905, by adding a subdivision; 13.824, subdivision 1, by adding a subdivision; 16A.055, subdivision 1a, by adding a subdivision; 17.116, subdivision 2; 17.133, subdivision 1; 18B.01, by adding a subdivision; 18B.26, subdivision 6; 18B.28, by adding a subdivision; 18B.305, subdivision 2; 18B.32, subdivisions 1, 3, 4, 5; 18B.33, subdivisions 1, 5, 6; 18B.34, subdivisions 1, 4; 18B.35, subdivision 1; 18B.36, subdivisions 1, 2; 18B.37, subdivisions 2, 3; 18C.005, subdivision 33, by adding a subdivision; 18C.115, subdivision 2; 18C.215, subdivision 1; 18C.221; 18C.70, subdivisions 1, 5; 18C.71, subdivisions 1, 2, 4, by adding a subdivision; 18C.80, subdivision 2; 18D.301, subdivision 1; 28A.10; 28A.151, subdivisions 1, 2, 3, 5, by adding a subdivision; 28A.21, subdivision 6; 31.74; 31.94; 32D.30; 41B.039, subdivision 2; 41B.04, subdivision 8; 41B.042, subdivision 4; 41B.043, subdivision 1b; 41B.045, subdivision 2; 41B.047, subdivision 1; 43A.05, subdivision 3; 43A.18, subdivisions 2, 3, 9; 43A.24, by adding a subdivision; 62A.0411; 62A.15, subdivision 4, by adding a subdivision; 62A.28, subdivision 2; 62D.02, subdivision 7; 62D.04, subdivision 5; 62D.12, subdivision 19; 62D.14, subdivision 1; 62D.20, subdivision 1; 62D.22, subdivision 5, by adding a subdivision; 62J.49, subdivision 1; 62J.61, subdivision 5; 62M.01, subdivision 3; 62M.02, subdivisions 1a, 5, 11, 12, 21, by adding a subdivision; 62M.04, subdivision 1; 62M.05, subdivision 3a; 62M.07, subdivisions 2, 4, by adding a subdivision; 62M.10, subdivisions 7, 8; 62M.17, subdivision 2; 62Q.097, by adding a subdivision; 62Q.14; 62Q.19, subdivisions 3, 5, by adding a subdivision; 62Q.73, subdivision 2; 62V.05, subdivision 12; 62V.08; 62V.11, subdivision 4; 65B.472; 103I.621, subdivisions 1, 2; 116C.83, subdivision 6; 116J.395, subdivision 6, by adding subdivisions; 116J.396, by adding a subdivision; 116J.871, subdivision 4; 123B.53, subdivision 1; 134A.09, subdivision 2a; 134A.10, subdivision 3; 135A.15, as amended; 136A.091, subdivision 3; 136A.1241, subdivision 3; 136A.1701, subdivisions 4, 7; 136A.29, subdivision 9; 136A.62, by adding subdivisions; 136A.63, subdivision 1; 136A.646; 136A.65, subdivision 4; 136A.675, subdivision 2; 136A.69, subdivision 1; 136A.821, subdivision 5, by adding a subdivision; 136A.822, subdivisions 1, 2, 6, 7, 8; 136A.824, subdivisions 1, 2; 136A.828, subdivision 3, by adding a subdivision; 136A.829, subdivision 3, by adding a subdivision; 144.05, subdivisions 6, 7, by adding a subdivision; 144.0572, subdivision 1; 144.058; 144.0724, subdivisions 2, 3a, 4, 6, 7, 8, 9, 11; 144.1464, subdivisions 1, 2, 3;

144.1501, subdivision 5; 144.1911, subdivision 2; 144.212, by adding a subdivision; 144.216, subdivision 2, by adding subdivisions; 144.218, by adding a subdivision; 144.292, subdivision 6; 144.293, subdivisions 2, 4, 9, 10; 144.493, by adding a subdivision; 144.494, subdivision 2; 144.551, subdivision 1; 144.555, subdivisions 1a, 1b, 2, by adding subdivisions; 144.605, by adding a subdivision; 144.7067, subdivision 2; 144.99, subdivision 3; 144A.10, subdivisions 15, 16; 144A.471, by adding a subdivision; 144A.474, subdivision 13; 144A.61, subdivision 3a; 144A.70, subdivisions 3, 5, 6, 7; 144A.71, subdivision 2, by adding a subdivision; 144A.72, subdivision 1; 144A.73; 144E.001, subdivision 3a, by adding subdivisions; 144E.101, by adding a subdivision; 144E.16, subdivisions 5, 7; 144E.19, subdivision 3; 144E.27, subdivisions 3, 5, 6; 144E.28, subdivisions 3, 5, 6, 8; 144E.285, subdivisions 1, 2, 4, 6, by adding subdivisions; 144E.287; 144E.305, subdivision 3; 144G.08, subdivision 29; 144G.10, by adding a subdivision; 144G.16, subdivision 6; 144G.41, subdivision 1, by adding subdivisions; 144G.63, subdivisions 1, 4; 144G.64; 145.61, subdivision 5; 146B.03, subdivision 7a; 146B.10, subdivisions 1, 3; 148.511; 148.512, subdivision 17a; 148.513, subdivisions 1, 2, 3, by adding a subdivision; 148.514, subdivision 2; 148.515, subdivision 1; 148.518; 148.519, subdivision 1, by adding a subdivision; 148.5191, subdivision 1, by adding a subdivision; 148.5192, subdivisions 1, 2, 3; 148.5193, subdivision 1, by adding a subdivision; 148.5194, subdivision 8, by adding a subdivision; 148.5195, subdivisions 5, 6; 148.5196, subdivision 3; 148D.061, subdivisions 1, 8; 148D.062, subdivisions 3, 4; 148D.063, subdivisions 1, 2; 148E.055, by adding subdivisions; 149A.01, subdivision 3; 149A.02, subdivisions 3, 3b, 13a, 16, 23, 26a, 27, 35, 37c, by adding subdivisions; 149A.03; 149A.09; 149A.11; 149A.60; 149A.61, subdivisions 4, 5; 149A.62; 149A.63; 149A.65; 149A.70, subdivisions 1, 2, 3, 4, 5, 7; 149A.71, subdivisions 2, 4; 149A.72, subdivisions 3, 9; 149A.73, subdivision 1; 149A.74, subdivision 1; 149A.90, subdivisions 2, 4, 5; 149A.93, subdivision 3; 149A.94, subdivisions 1, 3, 4; 149A.97, subdivision 2; 150A.06, subdivisions 1c, 8; 151.01, subdivisions 23, 27; 151.065, subdivision 7, by adding subdivisions; 151.066, subdivisions 1, 2, 3; 151.212, by adding a subdivision; 151.37, by adding a subdivision; 151.74, subdivision 6; 156.001, by adding subdivisions; 156.07; 156.12, subdivisions 2, 4; 161.089; 161.14, by adding a subdivision; 161.3203, subdivision 4; 161.45, by adding subdivisions; 161.46, subdivision 1; 162.02, by adding a subdivision; 162.081, subdivision 4; 162.09, by adding a subdivision; 162.145, subdivision 5; 168.09, subdivision 7; 168.092; 168.127; 168.301, subdivision 3; 168.33, by adding a subdivision; 168A.10, subdivision 2; 168A.11, subdivisions 1, 2; 168B.035, subdivision 3; 169.011, by adding subdivisions; 169.04; 169.06, by adding subdivisions; 169.14, subdivision 10, by adding subdivisions; 169.18, by adding a subdivision; 169.21, subdivision 6; 169.222, subdivisions 2, 6a, 6b; 169.346, subdivision 2; 169.974, subdivision 5; 169.99, subdivision 1; 171.01, by adding subdivisions; 171.06, subdivision 3b; 171.061, by adding a subdivision; 171.12, by adding a subdivision; 171.13, subdivision 9; 171.16, subdivision 3; 174.02, by adding a subdivision; 174.185, subdivisions 2, 3, by adding subdivisions; 174.40,

subdivision 3; 174.75, subdivisions 1, 2, by adding a subdivision; 177.27, subdivision 3; 179A.041, subdivision 2; 179A.09, by adding subdivisions; 179A.11, subdivisions 1, 2, by adding a subdivision; 179A.12, subdivision 5; 179A.13, subdivisions 1, 2; 179A.40, subdivision 1; 179A.54, subdivision 5; 181.171, subdivision 1; 181.722; 181.723; 181.960, subdivision 3; 214.025; 214.04, subdivision 2a; 214.29; 214.31; 214.355; 216A.037, subdivision 1; 216A.07, subdivision 3; 216B.098, by adding a subdivision; 216B.16, subdivisions 6c, 8; 216B.17, by adding a subdivision; 216B.2402, subdivisions 4, 10, by adding a subdivision; 216B.2403, subdivisions 2, 3, 5, 8; 216B.241, subdivisions 1c, 2, 11, 12; 216B.2421, subdivision 2; 216B.2425, subdivisions 1, 2, by adding a subdivision; 216B.2427, subdivision 1, by adding a subdivision; 216B.243, subdivisions 3, 3a, 4, 9; 216B.246, subdivision 3; 216C.10; 216C.435, subdivisions 3a, 3b, 4, 10, by adding subdivisions; 216C.436, subdivisions 1, 4, 7, 8, 10; 216E.02, subdivision 1; 216E.08, subdivision 2; 216E.11; 216E.13; 216E.14; 216E.15; 216E.16; 216E.18, subdivision 2a; 221.0255, subdivisions 4, 9, by adding a subdivision; 232.21, subdivisions 3, 7, 11, 12, 13; 245.462, subdivision 6; 245.4663, subdivision 2; 245.821, subdivision 1; 245.825, subdivision 1; 245A.043, subdivisions 2, 4, by adding subdivisions; 245A.07, subdivision 6; 245A.11, subdivision 2a; 245C.05, subdivision 5; 245C.10, subdivision 18; 245C.14, subdivision 1, by adding a subdivision; 245C.15, subdivisions 3, 4; 245C.22, subdivision 4; 245C.24, subdivisions 2, 5; 245C.30, by adding a subdivision; 245F.09, subdivision 2; 245F.14, by adding a subdivision; 245F.17; 245G.07, subdivision 4; 245G.08, subdivisions 5, 6; 245G.10, by adding a subdivision; 245G.22, subdivisions 6, 7; 245I.02, subdivisions 17, 19; 245I.04, subdivision 6; 245I.10, subdivision 9; 245I.11, subdivision 1, by adding a subdivision; 245I.20, subdivision 4; 245I.23, subdivisions 14, 19a; 246.018, subdivision 3, as amended; 246.129, as amended; 246.13, subdivision 2, as amended; 246.234, as amended; 246.36, as amended; 246.511, as amended; 252.27, subdivision 2b; 252.282, subdivision 1, by adding a subdivision; 254B.01, by adding subdivisions; 256.01, subdivision 41, by adding a subdivision; 256.88; 256.89; 256.90; 256.91; 256.92; 256.9657, subdivision 8, by adding a subdivision; 256.969, by adding subdivisions; 256.9755, subdivisions 2, 3; 256B.02, subdivision 11; 256B.035; 256B.056, subdivisions 1a, 10; 256B.0622, subdivisions 2a, 3a, 7a, 7d; 256B.0623, subdivision 5; 256B.0625, subdivisions 10, 12, 32, 39, by adding subdivisions; 256B.0757, subdivisions 4a, 4d; 256B.076, by adding a subdivision; 256B.0911, subdivisions 12, 17, 20; 256B.0913, subdivision 5a; 256B.0924, subdivision 3; 256B.0943, subdivisions 3, 12; 256B.0947, subdivision 5; 256B.434, by adding a subdivision; 256B.49, subdivision 16, by adding a subdivision; 256B.4911, by adding subdivisions; 256B.4912, subdivision 1; 256B.69, subdivisions 2, 4; 256B.76, subdivision 6; 256B.77, subdivision 7a; 256B.795; 256I.04, subdivision 2f; 256K.45, subdivision 2; 256L.12, subdivision 7; 256R.02, subdivision 20; 256S.07, subdivision 1; 256S.205, subdivisions 2, 3, 5, by adding a subdivision; 259.52, subdivisions 2, 4; 260E.33, subdivision 2, as amended; 270B.14, subdivision 17, by adding a subdivision; 270C.21; 273.135, subdivision 2; 275.065, by adding a

subdivision; 276.04, by adding a subdivision; 276A.01, subdivision 17; 276A.06, subdivision 8; 279.06, subdivision 1; 281.23, subdivision 2; 282.01, subdivision 6; 282.241, subdivision 1; 282.301; 289A.08, subdivision 1; 297A.815, subdivision 3; 297F.01, subdivisions 10b, 19; 298.17; 298.2215, subdivision 1; 298.28, subdivision 8; 298.282, subdivision 1; 298.292, subdivision 2; 299E.01, subdivision 2; 317A.811, subdivision 1; 326B.081, subdivisions 3, 6, 8; 326B.082, subdivisions 1, 2, 4, 6, 7, 10, 11, 13, by adding a subdivision; 326B.701; 326B.89, subdivision 5; 341.28, by adding a subdivision; 341.29; 383B.145, subdivision 5; 430.01, subdivision 2; 430.011, subdivisions 1, 2, 3; 430.023; 430.031, subdivision 1; 430.13; 447.42, subdivision 1; 462A.02, subdivision 10; 462A.05, subdivisions 14a, 14b, 15, 15b, 21, 23; 462A.07, by adding subdivisions; 462A.21, subdivision 7; 462A.35, subdivision 2; 462A.37, by adding a subdivision; 462A.40, subdivisions 2, 3; 473.13, by adding a subdivision; 473.3927; 473.452; 480.15, by adding a subdivision; 524.3-801, as amended; 604A.04, subdivision 3; 624.7141; 626.892, subdivision 10; Minnesota Statutes 2023 Supplement, sections 3.855, subdivisions 2, 3, 6; 10.65, subdivision 2; 13.43, subdivision 6; 13.46, subdivision 2, as amended; 15.01; 15.06, subdivision 1, as amended; 15A.0815, subdivision 2; 15A.082, subdivisions 1, 3, 7; 17.055, subdivision 3; 17.133, subdivision 3; 17.134, subdivision 3, by adding a subdivision; 17.710; 18C.425, subdivision 6; 18K.06; 43A.08, subdivisions 1, 1a; 62J.84, subdivision 10; 62Q.46, subdivision 1; 62Q.473, by adding subdivisions; 82.75, subdivision 8; 116C.779, subdivision 1; 116C.7792; 116J.871, subdivisions 1, as amended, 2; 123B.935, subdivision 1; 135A.121, subdivision 2; 135A.161, by adding a subdivision; 135A.162, subdivision 2; 136A.1241, subdivision 5; 136A.1465, subdivisions 1, 2, 3, 4, 5; 136A.62, subdivision 3; 136A.833, subdivision 2; 136F.38, subdivision 3; 142A.03, by adding a subdivision; 144.0526, subdivision 1; 144.1501, subdivision 2; 144.1505, subdivision 2; 144.651, subdivision 10a; 144A.4791, subdivision 10; 144E.101, subdivisions 6, 7, as amended; 145.561, subdivision 4; 145D.01, subdivision 1; 148.5195, subdivision 3; 148.5196, subdivision 1; 148B.392, subdivision 2; 151.555, subdivisions 1, 4, 5, 6, 7, 8, 9, 11, 12; 151.74, subdivision 3; 152.126, subdivision 6; 161.178; 161.46, subdivision 2; 162.146, by adding a subdivision; 168.1259; 168.29; 169.011, subdivision 27; 169.223, subdivision 4; 171.06, subdivision 3; 171.0705, subdivision 2; 171.301, subdivisions 3, 6; 174.49, subdivision 6; 174.634, subdivision 2, by adding a subdivision; 177.27, subdivisions 1, 2, 4, 7; 177.50, by adding subdivisions; 179A.03, subdivisions 14, 18; 179A.041, subdivision 10; 179A.06, subdivision 6; 179A.07, subdivisions 8, 9; 179A.10, subdivision 2; 179A.12, subdivisions 2a, 6, 11; 181.032; 181.9445, subdivisions 4, 5, by adding a subdivision; 181.9446; 181.9447, subdivisions 1, 3, 5, 10, 11, by adding a subdivision; 181.9448, subdivisions 1, 2, 3; 216B.243, subdivision 8; 216C.08; 216C.09; 216C.331, subdivision 1; 216C.435, subdivision 8; 216C.436, subdivisions 1b, 2; 216E.06; 216E.07; 216E.10, subdivisions 1, 2, 3; 219.015, subdivision 2; 245.4889, subdivision 1; 245.735, subdivision 3; 245.91, subdivision 4; 245.991, subdivision 1; 245A.03, subdivisions 2, as amended, 7, as amended; 245A.043, subdivision 3; 245A.07, subdivision 1, as amended; 245A.11,

subdivision 7; 245A.16, subdivision 1, as amended; 245A.211, subdivision 4; 245A.242, subdivision 2; 245C.02, subdivision 13e; 245C.031, subdivision 4; 245C.08, subdivision 1; 245C.15, subdivisions 2, 4a; 245C.31, subdivision 1; 245G.07, subdivision 2; 245G.22, subdivisions 2, 17; 245I.04, subdivision 19; 246.54, subdivisions 1a, 1b; 246C.01; 246C.02, as amended; 246C.04, as amended; 246C.05, as amended; 253B.10, subdivision 1, as amended; 254B.04, subdivision 1a; 254B.05, subdivisions 1, 5, as amended; 254B.19, subdivision 1; 256.043, subdivision 3; 256.0471, subdivision 1, as amended; 256.4764, subdivision 3; 256.9631; 256.969, subdivision 2b; 256.9756, subdivisions 1, 2; 256B.0622, subdivisions 7b, 8; 256B.0625, subdivisions 3a, 5m, 9, 13e, as amended, 13f, 13k, 16; 256B.064, subdivision 4; 256B.0671, subdivisions 3, 5; 256B.0701, subdivision 6; 256B.0911, subdivision 13; 256B.0913, subdivision 5, as amended; 256B.092, subdivision 1a; 256B.0947, subdivision 7; 256B.0949, subdivision 15; 256B.49, subdivision 13; 256B.764; 256B.766; 256D.01, subdivision 1a; 256I.05, subdivisions 1a, 11; 256L.03, subdivision 1; 256L.04, subdivision 10; 256R.55; 260.761, by adding a subdivision; 268B.01, subdivisions 3, 5, 8, 15, 23, 44, by adding subdivisions; 268B.04; 268B.06, subdivisions 2, 3, 4, 5, by adding a subdivision; 268B.07, subdivisions 1, 2, 3; 268B.085, subdivision 3; 268B.09, subdivisions 1, 6, 7; 268B.10, subdivisions 1, 2, 3, 6, 12, 16, 17, by adding subdivisions; 268B.14, subdivisions 3, 7, by adding subdivisions; 268B.15, subdivision 7; 268B.155, subdivision 2; 268B.185, subdivision 2; 268B.19; 268B.26; 268B.27, subdivision 2; 268B.29; 270B.14, subdivision 1; 290.0661, subdivisions 4, 8, by adding a subdivision; 297A.993, subdivision 2a; 298.018, subdivision 1; 298.28, subdivisions 7a, 16; 299A.642, subdivision 15; 326B.106, subdivision 1; 341.25; 341.28, subdivision 5; 341.30, subdivision 4; 341.321; 341.33, by adding a subdivision; 341.355; 357.021, subdivision 6; 462A.05, subdivisions 14, 45; 462A.22, subdivision 1; 462A.37, subdivisions 2, 5; 462A.38, subdivision 2; 462A.39, subdivision 2; 462A.395; 473.145; 473.3999; 473.4051, by adding a subdivision; 473.412, subdivisions 2, 3; 473.4465, subdivision 4; 477A.35, subdivisions 2, 4, 5, 6, by adding a subdivision; 477A.36, subdivisions 1, as amended, 4, 5, 6, as amended, by adding a subdivision; 609.67, subdivision 1; Laws 2020, chapter 73, section 8; Laws 2021, First Special Session chapter 5, article 1, section 2, subdivision 2; Laws 2021, First Special Session chapter 7, article 13, section 68; article 17, section 19, as amended; Laws 2022, chapter 42, section 2; Laws 2023, chapter 22, section 4, subdivision 2; Laws 2023, chapter 37, article 1, section 2, subdivisions 2, 5, 18, 25, 29, 32; article 2, sections 6, subdivisions 1, 2, 4, 5, by adding subdivisions; 12, subdivision 2; Laws 2023, chapter 41, article 1, sections 2, subdivisions 35, 36, 49, as amended; 4, subdivision 2; Laws 2023, chapter 43, article 1, sections 2; 4; article 2, section 142, subdivision 9; Laws 2023, chapter 52, article 19, section 120; Laws 2023, chapter 53, article 14, section 1; article 19, sections 2, subdivisions 1, 3, 5; 4; article 21, sections 6; 7; Laws 2023, chapter 57, article 1, section 6; Laws 2023, chapter 60, article 10, section 2, subdivision 2; Laws 2023, chapter 61, article 1, sections 60, subdivisions 1, 2; 67, subdivision 3; article 4, section 11; article 8, sections 1; 2; 3; 8; article 9,

section 2, subdivisions 5, 14, 16, as amended, 18; Laws 2023, chapter 68, article 1, sections 3, subdivision 2; 4, subdivision 3; 20; article 4, sections 108; 126; Laws 2023, chapter 70, article 1, section 35; article 20, sections 2, subdivisions 5, 29, 31; 3, subdivision 2; 12, as amended; Laws 2024, chapter 79, article 1, sections 18; 23; 24; 25, subdivision 3; article 10, sections 1; 6; Laws 2024, chapter 80, article 2, sections 6, subdivisions 2, 3, by adding subdivisions; 10, subdivision 1; Laws 2024, chapter 113, section 1, subdivision 2; 2024 H.F. No. 5237, article 22, section 2, subdivisions 4, if enacted, 5, if enacted; proposing coding for new law in Minnesota Statutes, chapters 16A; 16B; 62A; 62C; 62D; 62J; 62M; 62Q; 135A; 136A; 137; 144; 144A; 144E; 144G; 145D; 148; 148B; 148E; 149A; 150A; 151; 156; 161; 168; 169; 181; 214; 216C; 216G; 219; 245C; 246C; 254B; 256; 256B; 256S; 268B; 282; 325F; 326B; 341; 346; 430; 462A; proposing coding for new law as Minnesota Statutes, chapters 181C; 216I; repealing Minnesota Statutes 2022, sections 3.7371, subdivision 7; 34.07; 62A.041, subdivision 3; 135A.16; 144.218, subdivision 3; 144.497; 144E.001, subdivision 5; 144E.01; 144E.123, subdivision 5; 144E.27, subdivisions 1, 1a; 144E.50, subdivision 3; 147A.09, subdivision 5; 148D.061, subdivision 9; 151.74, subdivision 16; 156.12, subdivision 6; 168.1297; 179.81; 179.82; 179.83, subdivision 1; 179.84, subdivision 1; 179.85; 216E.001; 216E.01, subdivisions 1, 2, 3, 4, 5, 7, 8, 9, 10; 216E.02; 216E.021; 216E.03, subdivisions 2, 3a, 3b, 4, 9; 216E.04, subdivisions 1, 3, 4, 5, 6, 7, 8, 9; 216E.05, subdivisions 1, 3; 216E.08, subdivisions 1, 4; 216E.18, subdivisions 1, 2; 216F.01; 216F.011; 216F.012; 216F.015; 216F.02; 216F.03; 216F.05; 216F.06; 216F.07; 216F.08; 216F.081; 245C.125; 246.41; 252.27, subdivisions 1a, 2, 3, 4a, 5, 6; 253C.01; 256.043, subdivision 4; 256B.0916, subdivision 10; 256B.79, subdivision 6; 256D.19, subdivisions 1, 2; 256D.20, subdivisions 1, 2, 3, 4; 256D.23, subdivisions 1, 2, 3; 256R.02, subdivision 46; 462A.209, subdivision 8; Minnesota Statutes 2023 Supplement, sections 3.855, subdivision 5; 62J.312, subdivision 6; 62Q.522, subdivisions 3, 4; 135A.162, subdivision 7; 216E.01, subdivisions 3a, 6, 9a; 216E.03, subdivisions 1, 3, 5, 6, 7, 10, 11; 216E.04, subdivision 2; 216E.05, subdivision 2; 216F.04; 245C.08, subdivision 2; 246C.03; 252.27, subdivision 2a; 268B.06, subdivision 7; 268B.08; 268B.10, subdivision 11; 268B.14, subdivision 5; 477A.35, subdivision 1; Laws 2023, chapter 25, section 190, subdivision 10; Laws 2023, chapter 37, article 2, section 13; Laws 2024, chapter 79, article 4, section 1, subdivision 3; Laws 2024, chapter 80, article 2, section 6, subdivision 4; Minnesota Rules, parts 1506.0010; 1506.0015; 1506.0020; 1506.0025; 1506.0030; 1506.0035; 1506.0040; 5520.0100; 5520.0110; 5520.0120, subparts 1, 2, 3, 4, 5, 6, 7; 5520.0200; 5520.0250, subparts 1, 2, 4; 5520.0300; 5520.0500, subparts 1, 2, 3, 4, 5, 6; 5520.0520; 5520.0540; 5520.0560; 5520.0600; 5520.0620; 5520.0700; 5520.0710; 5520.0800; 7850.1000; 7850.1100; 7850.1200; 7850.1300; 7850.1400; 7850.1500; 7850.1600; 7850.1700; 7850.1800; 7850.1900; 7850.2000; 7850.2100; 7850.2200; 7850.2300; 7850.2400; 7850.2500; 7850.2600; 7850.2700; 7850.2800; 7850.2900; 7850.3000; 7850.3100; 7850.3200; 7850.3300; 7850.3400; 7850.3500; 7850.3600; 7850.3700; 7850.3800; 7850.3900; 7850.4100; 7850.4200; 7850.4500; 7850.4600; 7850.4700; 7850.4800; 7850.4900; 7850.5000;

7850.5100; 7850.5200; 7850.5300; 7850.5400; 7850.5500; 7850.5600; 7854.0100; 7854.0200; 7854.0300; 7854.0400; 7854.0500; 7854.0600; 7854.0700; 7854.0800; 7854.0900; 7854.1000; 7854.1100; 7854.1200; 7854.1300; 7854.1400; 7854.1500.

10. If this Jumbo Omnibus does not violate the Constitution's Single Subject Clause, then no bill does. And if the courts do not enforce the Single Subject Clause against this Jumbo Omnibus, then the Single Subject Clause is a nullity.

11. Independently, despite being long and impenetrable, the title of the Jumbo Omnibus still fails to convey the true scope of the massive act and therefore also violates the Title Clause.

12. The following list is far from complete, but here are just some of the provisions the Jumbo Omnibus embraces:

- **Abortion.** Article 57, Section 39 requires health plans to provide coverage for abortions and abortion-related services.
- **Assisted Living Facilities.** Article 47, Sections 3 to 4 codify living standards for assisted living facilities, including those related to meals and housekeeping services.
- **Binary Triggers.** Article 36, Section 2 includes binary triggers in the class of "trigger activators" banned from private ownership.
- **Bonds for Iron Range.** Article 69, Section 15 authorizes the Commissioner of Iron Range Resources and Rehabilitation to issue revenue bonds of up to \$49,000,000.
- **Child Tax Credit.** Article 68, Section 4 modifies the requirements for the Child Tax Credit.
- **College Admissions.** Article 35, Section 1 limits colleges' abilities to consider an applicant's criminal history in the admissions process.
- **Combat Sports.** Article 5, Section 5 increases the regulation of combative sports.
- **Emissions.** Article 43, Section 6, Subdivision 1 requires the Public Utilities Commission to assess the emissions impact of any large power plant projects.
- **Grid Enhancing Technologies.** Article 40, Section 2, Subdivision 4 provides appropriations for the

review of plans to deploy grid-enhancing technologies.

- **HIV Prevention Medication.** Article 60, Section 3 allows pharmacists to prescribe and dispense HIV prevention medication.
- **Homeowners' Associations.** Article 15, Section 48 establishes a working group to study homeowners' associations and common interest communities to determine their impact on affordable housing and racial disparities.
- **Licensure Compacts.** Article 26, Section 1 allows for licensure compacts for physician assistants.
- **Motorcycles.** Article 3, Section 61 creates new traffic rules for motorcycles, including allowing motorcyclists to pass vehicles within lanes.
- **Natural Organic Reduction.** Article 58, Section 33 allows licensed facilities to decompose human bodies with "natural organic reduction."
- **Paid Family and Medical Leave.** Article 73, Section 23 dictates the appeals process for paid family and medical leave.
- **Property Forfeiture.** Article 70, Section 4 requires the state to sell tax-forfeited property through a public auction.
- **Rental Assistance.** Article 16, Section 1 requires annual reporting on emergency rental assistance.
- **State Building Codes.** Article 15, Section 46 requires the Commissioner of Labor and Industry to evaluate whether apartment buildings with single staircases would meet the same safety outcomes as current codes.
- **State Patrol Headquarters.** Article 1, Section 6, Subdivision 4 provides appropriations for a new State Patrol headquarters.
- **Straw Purchasing.** Article 36, Section 3 increases the penalty for straw purchases of firearms.
- **Student Parents.** Article 35, Section 6 requires Minnesota state colleges and universities to provide reasonable accommodations for pregnant students.
- **Traffic Cameras.** Article 3, Section 52 establishes a traffic safety camera pilot program for Minneapolis and Mendota Heights.
- **Uber and Lyft Driver Pay.** Article 17, Section 4 sets the minimum compensation per mile for Uber and Lyft drivers.
- **Vaccines.** Article 60, Section 3 allows pharmacists to administer certain vaccines to children ages 3 and older.

- **Veterinary Licensing.** Article 20, Sections 1-12 creates new licensing and oversight requirements for veterinary technicians.

13. UnitedHealth brings this lawsuit because it has been harmed by the Jumbo Omnibus's violation of the Single Subject Clause and Title Clauses.

14. UHCI is a Minnesota-licensed Health Maintenance Organization ("HMO") that provides health benefits to tens of thousands of Minnesotans under the name "UnitedHealthcare Community Plan of Minnesota" (hereafter, "Community Plan of MN").

15. In 2021, after an extensive and competitive Request for Proposal ("RFP") process, Minnesota's Department of Human Services ("Department") selected Community Plan of MN to administer its Families and Children Medical Assistance and MinnesotaCare Healthcare Programs. Through those plans, UnitedHealth has meaningfully improved the care experience for underprivileged populations.

16. UnitedHealth's first contract with the Department began on January 1, 2022, and the contract auto-renews annually unless either the Department or UnitedHealth gives timely notice to terminate it. The contract was renewed and expanded to an additional county for plan year 2023 after another rigorous RFP process. Community Plan of MN also participated in two more RFPs so it could serve new populations across a broader region. Community Plan of MN was awarded the right to execute contracts for those additional RFPs for a period of up to five years beginning in plan year 2023, and it executed two more auto-renewing contracts.

17. All three contracts were renewed for plan year 2024, but the Commissioner has refused to renew the contracts for plan year 2025 because of a provision snuck into the Jumbo Omnibus on the last day of the legislature session.

18. After 5:45 PM on that Sunday, the Health and Human Services Omnibus Conference Committee passed a Report on the Health and Human Services Omnibus that included a provision prohibiting the Commissioner from entering into new contracts with for-profit HMOs (the “HMO Provision”).

19. Apparently interpreting the provision to include a ban on the renewal of existing contracts, the Commissioner later sent UnitedHealth the following letter announcing that its contracts with Community Plan of MN must be non-renewed:



June 14, 2024

Sarah Dye
Chief Executive Officer
UnitedHealthcare Community Plan of MN
9800 Health Care Lane, MN 006-W900
Minnetonka, MN 55343
[sent via email: sarah.dye@uhc.com]

Notification of Non-Renewal of the Families and Children, Seniors, and Special Needs BasicCare contracts for 2025

Dear Ms. Dye:

Pursuant to Section 5.2.1.2 of the 2024 Families and Children (F&C), Minnesota Senior Health Options and Minnesota Senior Care Plus (Seniors), and Special Needs BasicCare (SNBC) contracts, the Department of Human Services (DHS) is providing UnitedHealthcare (UHC) notice of non-renewal of these contracts. The F&C, Seniors, and SNBC contracts will expire on December 31, 2024, at 11:59:59 p.m. (Central Standard Time).

As you are aware, Minnesota Statutes, §256B.035 was amended by Minnesota Laws 2024, Ch. 127, Art. 57, Sec. 55, as follows: “The commissioner must not enter into a contract with a health maintenance organization, as defined in section 62D.02, which is not a nonprofit corporation organized under chapter 317A or a local governmental unit, as defined in section 62D.02,” effective January 1, 2025. Because UHC of Illinois, Inc. is not a nonprofit organized under chapter 317A, DHS is issuing this notice of non-renewal to conform to this law.

20. If the non-renewal letter is not rescinded, UnitedHealth will be required to send notices to tens of thousands of Minnesotans beginning in October 2024 to tell them that their benefits plans have been canceled and they will need to find a new plan, which will

cause irreparable harm to its business and goodwill, as well as to its members who chose its plans and will be forced off them.

21. UnitedHealth will begin suffering irreparable harm even sooner, on **August 14, 2024**, because of federal deadlines governing Medicare plans. Two of UnitedHealth's contracts allow it to offer "dual-eligible" plans to Minnesotans through Medicaid and Medicare. For Medicare, UnitedHealth is required to obtain approval from the federal Center for Medicare and Medicaid Services ("CMS").

22. CMS has imposed an August 14 deadline for UnitedHealth to demonstrate its eligibility to participate in the dual-eligible plans for the 2025 calendar year. Unless the Court orders the Department to withdraw its non-renewal, UnitedHealth will be rejected by CMS and will be unable to operate its dual-eligible plans.

23. The last-minute Jumbo Omnibus also included provisions amending Minnesota's worker classification statute to, among other things, change the remedies available to individuals and the State for the misclassification of workers as independent contractors. *See* Article 10, Sections 5-7 (the "Employee Classification Provisions").

24. Neither the HMO Provision nor the Employee Classification Provisions are germane to the singular subject of the Jumbo Omnibus. Plaintiffs therefore bring suit to declare the Jumbo Omnibus unconstitutional, to strike the HMO Provision and its Related Provisions and the Employee Classification Provisions from the law, and to enjoin the non-renewal of UnitedHealth's contracts with the Department.

PARTIES

25. Plaintiff UnitedHealth Group Incorporated is a corporation organized under the laws of the State of Delaware, having its principal place of business at 9900 Bren Road East, Minnetonka, Minnesota 55343. Approximately 18,000 UnitedHealth Group employees live and work in Minnesota.

26. UnitedHealth Group Incorporated is the ultimate parent corporation of Plaintiff UnitedHealthcare of Illinois, Inc. (“UHCI”). UHCI is a corporation organized under the laws of the State of Illinois, having its principal place of business at 200 E. Randolph St., Suite 5300, Chicago, Illinois 60601-6602. UHCI is licensed as a for-profit HMO under the laws of Minnesota, and it operates its Medicaid business line in Minnesota under the name “UnitedHealthcare Community Plan of Minnesota.”

27. Plaintiff UnitedHealthcare Life Insurance Company (“ULIC”) is a corporation organized under the laws of the State of Wisconsin, having its principal place of business at 2020 Innovation Court, De Pere, Wisconsin 54115. ULIC is an indirect, wholly owned subsidiary of UnitedHealth Group Incorporated.

28. Defendant State of Minnesota is a state and political entity.

29. Defendant Keith Ellison, named in his official capacity, is the Attorney General of the State of Minnesota and tasked with enforcing the laws of the State of Minnesota.

30. Defendant Jodi Harpstead, named in her official capacity, is the Commissioner of the Minnesota Department of Human Services, which has relied on the Jumbo Omnibus to non-renew UnitedHealth’s contracts with the Department.

JURISDICTION AND VENUE

31. The Court has subject-matter jurisdiction over this action for declaratory and injunctive relief under Article IV, Section 17 of the Minnesota Constitution, pursuant to the Minnesota Uniform Declaratory Judgments Act, Minn. Stat. § 555.01.

32. The Court has personal jurisdiction over this action as the domicile of each Defendant is the State of Minnesota and all facts relevant to the action occurred within Minnesota.

33. Venue is proper in Hennepin County District Court, as facts giving rise to the cause of action arose in Hennepin County. Minn. Stat. §§ 542.09; 542.03.

ALLEGATIONS

I. Article IV, Section 17 of the Minnesota Constitution Protects Democracy by Requiring Transparency and Accountability.

34. Article IV, Section 17 of the Minnesota Constitution states that “[n]o law shall embrace more than one subject, which shall be expressed in its title.” *See* Minn. Const. art. IV, sec. 17. The two provisions of Section 17—the Single Subject and the Title Clauses—protect democracy by requiring accountability and transparency.

35. The Single Subject Clause and Title Clause are older than the State of Minnesota itself. They were unanimously adopted and enacted into the Minnesota Territorial

Constitution in 1857. *See* The Debates and Proceedings of the Minnesota Constitutional Convention 124, 262–63 (Francis H. Smith, reporter 1857).

36. The Single Subject Clause was enacted to ensure accountability and preclude the possibility that unpopular legislation that would not command a majority could be bundled with unrelated, popular legislation “and then carried through by a combination of interests.” *Johnson*, 50 N.W. at 924.

37. The Title Clause was enacted to ensure transparency and prevent legislation from being given a vague or fraudulent title that “gives no intimation of the nature of the proposed legislation, or of the interests likely to be affected by its becoming a law.” *Id.*

38. Ever since the Single Subject Clause and Title Clause were enacted, the Minnesota Supreme Court has emphasized their importance in protecting democracy and securing good governance. In 1875, the Supreme Court declared: “The well-known object of [the Single-Subject Clause] was to secure to every distinct measure of legislation a separate consideration and decision, dependent solely upon its individual merits.” *State v. Cassidy*, 22 Minn. 312, 322 (1875). More than a century later, the Supreme Court stayed true to its initial analysis, stating in 2000: “The Single Subject and Title Clause, as Minnesota’s first ‘sunshine law,’ requires that the legislature not fold into larger, more popular bills, wholly unrelated and potentially unpopular provisions that may not pass as a stand-alone bill.” *Assoc. Builders & Contractors*, 610 N.W.2d at 303.

39. Minnesota’s Judicial Branch is not alone in recognizing the foundational importance of the Single Subject Clause and Title Clause in protecting democracy.

40. First, the Judiciary has also been joined by the Executive Branch. The current Governor, for example, declared: “We need an open legislative process that ensures bills aren’t being put together in the final hours of a session. . . . No more going weeks without legislative hearings or cramming everything into large omnibus bills with little or no public input.” See Matthew Stolle, *Get to know the candidates: Minnesota Governor*, ROCHESTER POST-BULLETIN (Oct. 27, 2018) (quoting now-Governor Tim Walz). A previous Governor likewise has stated: “We may hope that the Legislature will conduct itself in a manner that is clearly more consistent with constitutional principles in the future. If not, the Court’s gentle nudge may need to become a little firmer.” Timothy J. Pawlenty, *Distinguishing Filament from Figment: Minnesota’s Single Subject Rule*, 57 BENCH & BAR MINN. 36, 37 (2000).

41. Second, legislators from both major political parties have also emphasized the importance of the Single Subject and Title Clauses in promoting democratic accountability.

42. Senator Cal Bahr (R, East Bethel) declared that “[t]he return of single-subject bills must come to pass” because “[v]oters need to be able to hold their legislators accountable.” Cal Bahr, *One More Time: The Legislature Must Return to Single-Subject Bills*, STAR TRIB. (Mar. 29, 2019)⁴; see also Jon Koznick (R, Lakeville), *Koznick Connection: Legislative Update* (Mar. 26, 2024), MINN. H. OF REPS. LEGIS. NEWS & VIEWS (Mar. 26, 2024)⁵ (“We should focus efforts on shifting away from omnibus bills and instead pass legislation more often as

⁴ Available at <https://www.startribune.com/one-more-time-the-legislature-must-return-to-single-subject-bills/507860932/> (last visited July 24, 2024).

⁵ Available at <https://www.house.mn.gov/members/profile/news/15436/49322> (last visited July 24, 2024).

standalone bills. This will make it easier for the public to track bills and not blur the lines on the question of the Single Subject Clause.”).

43. In 2017, DFL legislators declared that “[p]acking numerous, often unrelated policy provisions and appropriations riders into a single bill is a violation of the constitution and it is injurious to the public.” Minn. Sen. J., 90th Leg., Special Sess. 111 (2017).⁶ Such a practice, they explained, “effectively holds some provisions hostage, with legislators being forced to accept policies [they] consider harmful in order to pass a budget.” *Id.* “Regardless of the merits of any particular provision, they do not belong in these omnibus bills and should be considered in separate legislation with separate votes.” *Id.* at 112. The legislators concluded: **“The people of Minnesota deserve a better lawmaking process. The constitution demands it.”** *Id.* (emphasis added).

44. In 2018, Senator John Marty (DFL, Roseville) declared, “We’ve got a Constitutional prohibition against multiple-topic bills and we ought to take it seriously. Why is [the Single Subject Rule] in the Constitution if we’re never going to enforce it?” *See* Interview by Minnesota Civic Caucus with John Marty, State Sen., Minn. (Aug. 10 & 17, 2018).⁷

45. More recently, at the beginning of the 2023–2024 biennium, Minnesota House Ways and Means Committee Chairwoman Liz Olson (DFL, Duluth), stated that she was “serious about not doing the omnibus cram at the end” of the session. *See* Peter Callaghan,

⁶ Available at https://www.senate.mn/journals//2017-2018/2017052504_ss1.pdf#page=75 (last visited July 24, 2024).

⁷ Available at https://civiccaucus.org/discussions/2018/Marty-John_08-10-18.html (last visited July 24, 2024).

Omnibus Critic Marty Now Leads Committee that Crafts the Massive Bills, ST. CLOUD TIMES

(Jan. 31, 2023).⁸ An end-of-session omnibus bill, Representative Olson said, “is not good for the public.” *Id.* As she summed it up: “It’s really about good governance.” *Id.*

46. Senator John Marty, now chair of the Senate Finance Committee, agreed. “The goal,” he stated, “is to separate budget and policy and **create a more accountable transparent system that’s going to comply with the constitution’s single subject rule.**” *Id.* (emphasis added). Senator Marty stated his hope that the session would end with 120 to 130 total bills—double the recent totals of 50 to 60—“not because more is better” but because “we ought to be separating things out.” *Id.*

II. Contrary to the Minnesota Constitution, the Minnesota Legislature Has Increasingly Enacted Policy through Large Omnibus Bills of Doubtful Constitutionality, Causing the Courts to Enforce the Single Subject Clause and Warn against Future Violations.

47. Despite legislators from both major parties recognizing the importance to democracy of the Single Subject and Title Clauses, the Legislature as an institution has proven unable to avoid the expediency of enacting large omnibus bills of doubtful constitutionality. *See* Peter Callaghan, *Why the Minnesota Legislature Loves/Hates Massive Omnibus Bills*, MINN POST, Apr. 22, 2019.⁹

48. The inability of the Legislature to comply with the accountability and transparency requirements of the Single Subject and Title Clauses is not limited to the

⁸ Available at <https://www.sctimes.com/story/news/politics/2023/01/31/omnibus-critic-marty-now-leads-committee-that-crafts-the-massive-bills/69854796007/> (last visited July 24, 2024).

⁹ Available at <https://www.minnpost.com/state-government/2019/04/why-the-minnesota-legislature-loves-hates-massive-omnibus-bills/> (last visited July 24, 2024).

legislators of any political party. Rather, members of both major parties have succumbed to the temptation to use massive omnibus bills to advance legislation when their party controlled the Legislature.

49. In 2018, for example, a Republican-controlled Legislature passed a 985-page omnibus bill. *See* SF 3656, 3d Engrossment – 90th Leg. (2017–2028).¹⁰ In response, Senator Marty, then in the minority, called the bill a “failure of government.” CBS Minn., *Lawmaker Describes 990-Page Vetoed Omnibus Bill As ‘Heap of Garbage’*, CBS MINN., May 24, 2018.¹¹ Senator Marty expressed his desire for the courts to intercede and enforce the Constitution, saying “[t]he process has run off the rails” and he “hope[d] we’re at the stage where the court would say, ‘This is nuts’” *See* Kevin Featherly, *Sen. John Marty Mulls ‘Single Subject’ Lawsuit*, MINN. LAW. (May 31, 2017).¹²

50. Yet just six years later, in 2024, the Jumbo Omnibus at issue in this suit was passed.

51. Because the Legislature as an institution has proven unable to follow the democratic safeguards in the Single Subject and Title Clauses, it has fallen to the Minnesota Supreme Court and Court of Appeals to enforce the Constitution against all challengers. The Courts have not sought out a conflict with the Legislature, and indeed they have tried

¹⁰ Available at https://www.revisor.mn.gov/bills/text.php?number=SF3656&version=latest&session=ls90&session_year=2018&session_number=0 (last visited July 24, 2024).

¹¹ Available at <https://www.cbsnews.com/minnesota/news/omnibus-budget-bill-vetoed-heap-of-garbage/> (last visited July 24, 2024).

¹² Available at <https://minnlawyer.com/2017/05/31/sen-john-marty-mulls-single-subject-lawsuit> (last visited July 24, 2024).

through repeated warnings to avoid one, yet when pressed, the Courts have stood firm and applied the Constitution.

52. In 1986, Justice Yetka stated: “[W]e should send a clear signal to the legislature that this type of act will not be condoned in the future. Garbage or Christmas tree bills appear to be a direct, cynical violation of our constitution It is clear to me that the more deference shown by the courts to the legislature and the more timid the courts are in acting against constitutional infringements, the bolder become those who would violate them.” See *Kiedrowski*, 391 N.W.2d at 785 (Yetka, J., concurring specially) (emphasis added).

53. In 1989, Chief Justice Popovich stated: “[T]he court is increasingly concerned about the possibilities of future violations of article 4, section 17. . . . **The views of the justices expressed today should be considered as instructive, alerting a co-equal branch of government, the legislature, to our concerns.**” See *Blanch*, 449 N.W.2d at 156–57 (Popovich, C.J., concurring specially) (emphasis added).

54. In 2000, the Supreme Court declared: “We fully recognize that it is the legislature’s prerogative to establish our state’s public policy . . . and that the legislative process is not bound by rigid textbook rules. **Nonetheless, lawmaking must occur within the framework of the constitution.**” See *Assoc. Builders & Contractors*, 610 N.W.2d at 303 (emphasis added).

55. In 2005, the Court of Appeals declared: “**This case is about performing the judiciary’s constitutional role of upholding the Minnesota Constitution and giving**

effect to each of its provisions. . . . The legislature writes the constitutional provisions. The judiciary simply has an obligation to interpret them.” *See Unity Church of St. Paul v. State*, 694 N.W.2d 585, 597 (Minn. App. 2005) (emphasis added).

56. In 2018, in its most recent case on the Single Subject Clause, the Minnesota Supreme Court issued a particularly stern warning to the Legislature: “We remain firmly committed to our constitutional duty ‘to prohibit infringements by either the legislative or executive branch of the government of [the] constitutional rights vested in the people.’ **We trust that the Legislature has heard, and will heed, these warnings.**” *Otto*, 910 N.W.2d at 459 (emphasis added) (quoting *Mattson*, 391 N.W.2d at 785 (Yetka, J., concurring specially)).

III. Despite the Courts’ Warnings, the Ninety-Third Legislature Enacted the Broadest Omnibus Bill in Minnesota History.

57. Despite the Supreme Court’s warning, the 2024 Legislature disregarded the Constitution’s requirements and enacted the broadest omnibus bill in Minnesota history.

58. The Ninety-Third Legislature first convened last year for the start of the 2023–2024 Biennial Session. It used 77 of its allotted 120 legislative days in 2023, so when it reconvened on February 12, 2024, it had 42 legislative days remaining to pass all bills. *See* Minnesota Legislative Reference Library, *Session of the Minnesota State Legislature and the Minnesota Territorial Legislature, 1849–Present*; ¹³ *see also* Minn. Const. art. IV, sec. 12 (“The legislature shall meet at the seat of government in regular session in each biennium at the times prescribed by law for not exceeding a total of 120 legislative days.”).

¹³ Available at <https://www.lrl.mn.gov/history/sessions> (last visited July 24, 2024).

59. As the session began, nine omnibus bills, each containing many provisions, were addressed by different committees in the House and Senate:

- **The Firearms Provisions (HF 2609/SF 5153)** were introduced in the House during the previous session of the biennium on March 6, 2023, and in the Senate on March 21, 2024. *See* Minn. H.J., 93d Leg., Reg. Sess. 1349 (2023);¹⁴ Minn. Sen. J., 93d Leg., Reg. Sess. 12529 (2024).¹⁵
- **The Higher Education Omnibus (HF 4024/SF 4003)** was introduced in the House and Senate on February 19 and 20, respectively. *See* Minn. H.J., 93d Leg., Reg. Sess. 11291 (2024);¹⁶ Minn. Sen. J., 93d Leg., Reg. Sess. 11672 (2024).¹⁷
- **The Health Scope of Practice Omnibus (HF 4247/SF 4570)** was introduced on February 26 in the House and on March 4 in the Senate. *See* Minn. H.J., 93d Leg., Reg. Sess. 11459 (2024);¹⁸ Minn. Sen. J., 93d Leg., Reg. Sess. 11912 (2024).¹⁹

¹⁴ Available at <https://www.house.mn.gov/cc/journals/2023-24/J0306030.htm#1349> (last visited July 24, 2024).

¹⁵ Available at <https://www.senate.mn/journals/2023-2024/20240321095.pdf#page=73> (last visited July 24, 2024).

¹⁶ Available at <https://www.house.mn.gov/cc/journals/2023-24/J0219082.htm#11291> (last visited July 24, 2024).

¹⁷ Available at <https://www.senate.mn/journals/2023-2024/20240220083.pdf#page=8> (last visited July 24, 2024).

¹⁸ Available at <https://www.house.mn.gov/cc/journals/2023-24/J0226085.htm#11459> (last visited July 24, 2024).

¹⁹ Available at <https://www.senate.mn/journals/2023-2024/20240304088.pdf#page=46> (last visited July 24, 2024).

- **The Health and Human Services Omnibus (HF 4571/SF 4699)** was introduced to the House and Senate on March 4 and 7, respectively. *See* Minn. H.J., 93d Leg., Reg. Sess. 11582 (2024);²⁰ Minn. Sen. J., 93d Leg., Reg. Sess. 12048 (2024).²¹
- **The Energy and Agriculture Omnibus (HF 4975/SF 4942)** was introduced in the Senate on March 13 and in the House the following day. *See* Minn. H.J., 93d Leg., Reg. Sess. 11901 (2024);²² Minn. Sen. J., 93d Leg., Reg. Sess. 12195–96 (2024).²³
- **The Tax Omnibus (HF 5247/SF 5234)** was introduced on April 2 in the House and Senate. *See* Minn. H.J., 93d Leg., Reg. Sess. 12869 (2024);²⁴ Minn. Sen. J., 93d Leg., Reg. Sess. 13330 (2024).²⁵
- **The Transportation, Housing, and Labor Omnibus (HF 5242/SF 5284)** was introduced on April 2 in the House and Senate. *See* Minn. H.J., 93d Leg., Reg. Sess. 12868 (2024);²⁶ Minn. Sen. J., 93d Leg., Reg. Sess. 13338–39 (2024).²⁷

²⁰ Available at <https://www.house.mn.gov/cc/journals/2023-24/J0304088.htm#11582> (last visited July 24, 2024).

²¹ Available at <https://www.senate.mn/journals/2023-2024/20240307089.pdf#page=118> (last visited July 24, 2024).

²² Available at <https://www.house.mn.gov/cc/journals/2023-24/J0314092.htm#11901> (last visited July 24, 2024).

²³ Available at <https://www.senate.mn/journals/2023-2024/20240313091.pdf#page=45> (last visited July 24, 2024).

²⁴ Available at <https://www.house.mn.gov/cc/journals/2023-24/J0402097.htm#12869> (last visited July 24, 2024).

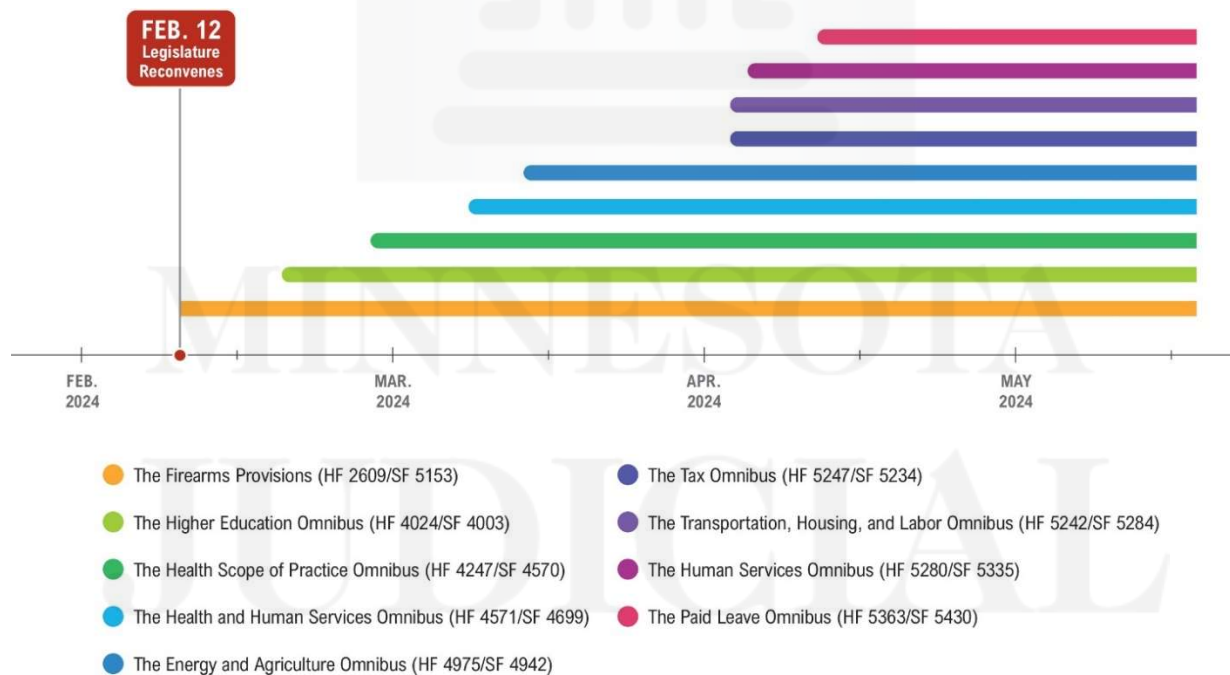
²⁵ Available at <https://www.senate.mn/journals/2023-2024/20240402097.pdf#page=436> (last visited July 24, 2024).

²⁶ Available at <https://www.house.mn.gov/cc/journals/2023-24/J0402097.htm#12868> (last visited July 24, 2024).

²⁷ Available at <https://www.senate.mn/journals/2023-2024/20240402097.pdf#page=444> (last visited July 24, 2024).

- **The Human Services Omnibus (HF 5280/SF 5335)** was introduced on April 4 in the House and Senate. *See* Minn. H.J., 93d Leg., Reg. Sess. 12999 (2024);²⁸ Minn. Sen. J., 93d Leg., Reg. Sess. 13380 (2024).²⁹
- **The Paid Leave Omnibus (HF 5363/SF 5430)** was introduced on April 11 in the House and April 15 in the Senate. *See* Minn. H.J., 93d Leg., Reg. Sess. 13158 (2024);³⁰ Minn. Sen. J., 93d Leg., Reg. Sess. 13896 (2024).³¹

60. During the spring of 2024, each of the nine omnibus bills wound their way through their respective committees:



²⁸ Available at <https://www.house.mn.gov/cc/journals/2023-24/J0404098.htm#12999> (last visited July 24, 2024).

²⁹ Available at <https://www.senate.mn/journals/2023-2024/20240404098.pdf#page=12> (last visited July 24, 2024).

³⁰ Available at <https://www.house.mn.gov/cc/journals/2023-24/J0411101.htm#13158> (last visited July 24, 2024).

³¹ Available at <https://www.senate.mn/journals/2023-2024/20240415102.pdf#page=214> (last visited July 24, 2024).

61. As the close of the session neared in May, the majority leadership in the House and the Senate became concerned that they would not be able to pass all the legislation they wanted. *See, e.g.*, FOX 9 Minneapolis-St. Paul, *LIVE: Minnesota Lawmakers Speak After 2024 Session Ends*, at 31:50, YouTube (May 20, 2024) (comments from Speaker of the House Melissa Hortman);³² Rob Hubbard, *House Closes 2024 Session in Chaotic Fashion, Trading Bonding for Budget Boosts*, MINN. H. REP. SESS. DAILY (May 20, 2024).³³

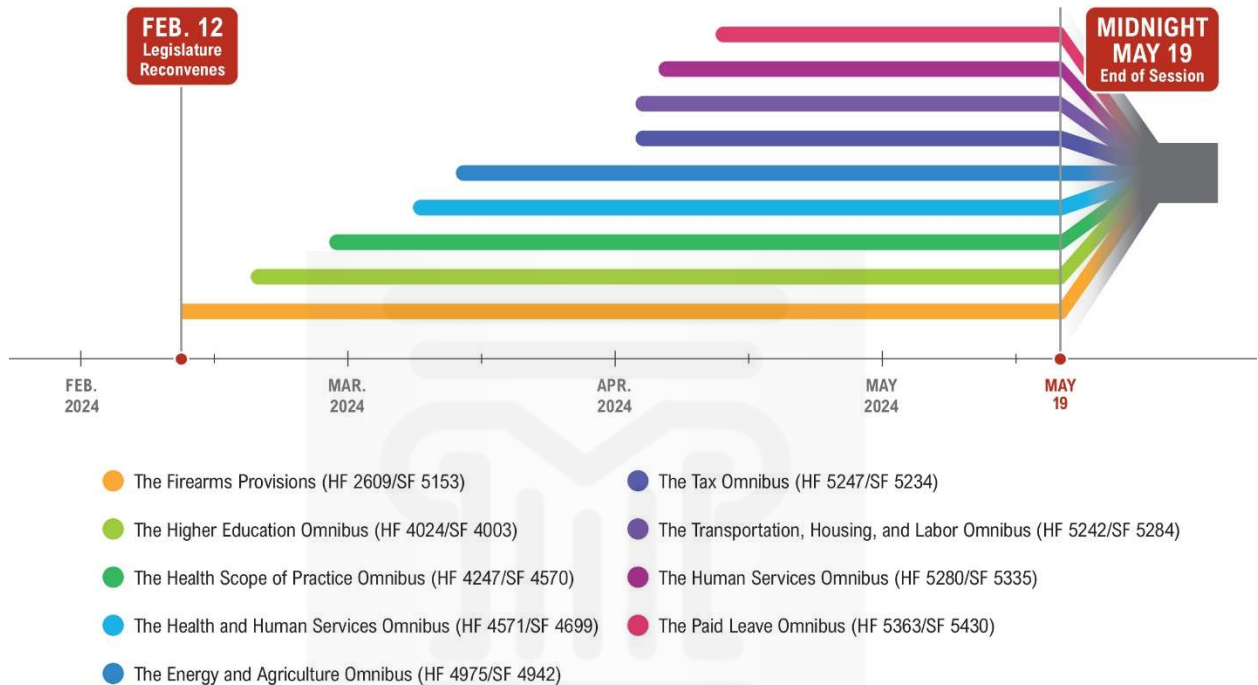
62. Abandoning transparency and democratic accountability for expediency, the Legislature at the last minute, and over a weekend, crammed all nine omnibus bills into a single, massive, multi-subject, Jumbo Omnibus.

63. As their vehicle, the House and Senate used the Tax Omnibus Bill. The Tax Omnibus Conference Committee had originally met for the first time on May 10. *See* Conf. Comm. Activity H.F. 5247, 93d Leg. (Minn. 2024).³⁴ On May 19, the majority stuffed the 39-page Tax Omnibus Bill with eight other omnibus bills, bloating it into the unprecedented over-1,400-page Jumbo Omnibus. *Id.*

³² Available at <https://www.youtube.com/watch?v=6MLH7LyjK3o> (last visited July 24, 2024).

³³ Available at <https://www.house.mn.gov/SessionDaily/Story/18412> (last visited July 24, 2024).

³⁴ Available at <https://www.leg.mn.gov/leg/cc/Default?type=bill&year=2024-93&bill=HF-5247> (last visited July 24, 2024).



64. The Tax Omnibus Conference Committee Report was not passed until shortly after **9:45 PM** on the evening of Sunday, May 19. It had received only about seven minutes and fifty-five seconds of consideration. *See id.*; H. Television Archives 2023–2024 – Conf. Comm. on HF5247 Archive, at 00:14-08:09 (May 19, 2024).³⁵

65. The Tax Omnibus Conference Committee Report was not posted until **10:49 PM**. *See* Off. of Revisor of Stats., Conf. Comm. Rep’ts – H. Rep’ts, 93d Leg. (Minn. 2024).³⁶

66. Many legislators were unable to view the Jumbo Omnibus at all. There were not enough paper copies of the proposed legislation, and the electronic version crashed. *See*

³⁵ Available at <https://www.house.mn.gov/hjvid/93/898724> (last visited July 24, 2024).

³⁶ Available at <https://www.revisor.mn.gov/reports/conference/> (last visited July 24, 2024).

Press Release, Minnesota Senate Republican Caucus, *Democrats Abandoning Minnesota* (May 24, 2024).³⁷

67. Little more than 20 minutes after the Jumbo Omnibus was posted, an impossibly short time for anyone to have read its more than 1,400 pages, at approximately **11:07 PM**, the House began “debate” on the floor. The Jumbo Omnibus was on the House Floor for a total of approximately four minutes and nineteen seconds before the House Majority passed it on a party-line vote without any Republican support. *See* Minn. H.J., 93d Leg., Reg. Sess. 18590–19606 (2024);³⁸ H. Television Archives 2023–2024 – H. Floor Sess. – Part 5 at 1:33:06–1:37:30 (May 19, 2024).³⁹

68. At approximately **11:34 PM**, still too soon for anyone to have read the Bill unless they could somehow read a page every two seconds, “debate” began in the Senate. It lasted around just six minutes and twenty-four seconds before the Senate Majority passed the Jumbo Omnibus, again strictly on party lines. *See* Minn. Sen. J., 93d Leg., Reg. Sess. 18844–20021 (2024);⁴⁰ Minn. S. Media Servs., Conference Comm. on H.F. 5247, 93d Leg., at 2:28–2:34 (2024).⁴¹

³⁷ Available at <https://www.mnsenaterepublicans.com/democrats-abandoning-minnesotans/> (last visited July 24, 2024).

³⁸ Available at <https://www.house.mn.gov/cc/journals/2023-24/J0519119.htm#18590> (last visited July 24, 2024).

³⁹ Available at <https://www.house.mn.gov/hjvid/93/898728> (last visited July 24, 2024).

⁴⁰ Available at <https://www.senate.mn/journals/2023-2024/20240519119.pdf#page=846> (last visited July 24, 2024).

⁴¹ Available at https://mnsenate.granicus.com/player/clip/12609?view_id=5&redirect=true (last visited July 24, 2024).

69. Republicans were outraged that their ability to debate the Bill was cut short. In the final 30 minutes of the Senate floor session, “a dozen Republicans shouted into their microphones in anger.” *See* Ryan Faircloth, Rochelle Olson & Josie Albertson-Grove, *Minnesota Legislature’s 2024 Session Ends in Anger and Acrimony*, STAR TRIB. (May 20, 2024).⁴²

70. An hour after adjournment, Senate Majority Leader Erin Murphy (DFL, St. Paul) noted her “ears [were] still ringing,” and Senate Minority Leader Mark Johnson (R, East Grand Forks) noted he “just fel[t] gross coming off that Senate floor.” *Id.*

71. On May 24, Governor Walz signed the Jumbo Omnibus into law. *See* Press Release, Office of Governor Tim Walz and Lieutenant Governor Peggy Flanagan, *Governor Walz Signs Legislation Keeping Uber and Lyft Operational in Minnesota* (May 24, 2024).⁴³

IV. The Department Seeks to Keep UnitedHealth from Providing Health Benefits to Tens of Thousands of Minnesotans Due to a Provision Added to the Jumbo Omnibus Sunday Night.

72. Among the many individuals and businesses harmed by the Legislature’s violation of the Minnesota Constitution’s Single Subject and Title Clauses was UnitedHealth.

A. UnitedHealth operates health benefit plans in Minnesota pursuant to contracts with the Department that renew every year for up to five years.

73. UnitedHealth operates a Minnesota-licensed HMO that provides health benefits to tens of thousands of Minnesotans under the name Community Plan of MN.

74. In 2021, Community Plan of MN submitted a proposal pursuant to the Department’s Request for Proposal (“RFP”) process for the opportunity to provide services

⁴² Available at <https://www.startribune.com/legislative-leaders-spar-over-role-of-republican-minority-in-sessions-final-hours/600367123/> (last visited July 24, 2024).

⁴³ Available at <https://mn.gov/governor/newsroom/press-releases/#/detail/appId/1/id/625607>.

through the Families and Children Medical Assistance and MinnesotaCare programs (“Families & Children”).

75. The RFP process was extensive and competitive. UnitedHealth responded to three separate rounds of questions from the Department and submitted a proposal with more than 900 pages.

76. The RFP process is a critical part of the Department’s mission to act in the public interest as “a steward of a significant amount of public dollars.” *See* Dept. of Human Servs., *What We Do*.⁴⁴ It requires the Department to select entities “who can provide the most economical care consistent with high medical standards,” *see* Minn. Stat. § 256L.12, subd. 1, thereby fulfilling the Department’s responsibility to “provide Minnesotans with high value in terms of both the quality and cost of services,” *see* Dept. of Human Servs., *What We Do*.⁴⁵

77. The Department selected Community Plan of MN to administer its Medicaid program for Families & Children. The Department awarded Community Plan of MN a one-year contract that automatically renews unless UnitedHealth or the Department decides to terminate it. The contract began on January 1, 2022, and was renewed for plan year 2023. The renewal contract expanded the region that Community Plan of MN could serve, based on an additional RFP process through which UnitedHealth was awarded the right to participate in the Families & Children program in greater Minnesota.

⁴⁴ Available at <https://mn.gov/dhs/general-public/about-dhs/what-we-do/> (last visited July 24, 2024).

⁴⁵ Available at <https://mn.gov/dhs/general-public/about-dhs/what-we-do/> (last visited July 24, 2024).

78. Community Plan of MN also participated in two more RFPs for plan year 2023, one for the right to provide services through the Special Needs BasicCare and Integrated Special Needs BasicCare programs (“Special Needs”), and one for the right to provide services through the Minnesota Senior Health Options and Minnesota Senior Care Plus programs (“Seniors”).

79. These RFPs were similarly extensive and competitive. For each, UnitedHealth again provided hundreds of pages of supporting materials.

80. The Department then awarded Community Plan of MN two additional contracts for Special Needs and Seniors. Like Families & Children, these contracts were for one year and provided for automatic renewal unless UnitedHealth or the Department chose not to renew.

81. Each of the three contracts—Families & Children, Special Needs, and Seniors (together, the “Contracts”)—were renewed for plan year 2024.

82. Pursuant to the Contracts, Community Plan of MN operates six health benefit plans through the State’s Health Care Programs. Some of these plans serve Medicaid-only enrollees. Other plans serve enrollees who are dually eligible for Medicaid and Medicare services. And another serves enrollees in the MinnesotaCare program. Together, these plans serve more than 30,000 Minnesotans across eight counties, including children, pregnant women, families, adults without children, people with disabilities, and seniors.

83. UnitedHealth’s investments through these plans have meaningfully improved the outcomes of the underprivileged populations the plans serve. For example,

UnitedHealth's most recent data shows a 4% increase in annual dental visits from its members when comparing May 2024 to May 2023. UnitedHealth's cutting-edge innovation has improved members' experiences. For example, UnitedHealth's UCard combines a member ID card with a payment card to give members seamless access to monthly credits for healthy food, over-the-counter medications, and utilities.

84. Further, UnitedHealth has committed more than \$100 million in impact and community investments to local communities here in Minnesota to build healthier communities, advance health equity, and fund the development of affordable housing and increased access to care. As just one example, UnitedHealth has made capital investments in building the Fairview Community Health and Wellness Hub in St. Paul, Minnesota, which serves as a convenient access point for primary and mental health care, elderly care and support, food access and distribution, and workforce and youth development. *See* Frederick Melo, *Fairview Launches New Community Health and Wellness Hub at Old St. Joe's Hospital*, PIONEER PRESS (Aug. 5, 2022) (describing UnitedHealth's investment in plan for mental health and nutrition counseling, adult day programs for seniors, memory care beds and clinical trials for new therapies like wearable devices).⁴⁶

85. Community Plan of MN was renewed again for plan year 2024, but it was non-renewed by the Department for plan year 2025 because of provisions added to the Jumbo Omnibus at the last minute.

⁴⁶ Available at <https://www.twincities.com/2022/08/04/fairview-launches-new-community-health-and-wellness-hub-at-old-st-joes-hospital/> (last visited July 24, 2024).

B. On the evening of the final day of the session, the Legislature added a provision preventing for-profit HMOs from entering into new contracts with the Department.

86. Throughout the session, the Legislature discussed various ways to manage HMOs. At the beginning of the session in February, Representative Liz Reyer (DFL, Eagan) and Senator John Marty (DFL, Roseville), as chief authors, introduced a bill called the Non-Profit HMO Act (HF3529/SF3543) that qualified only non-profit corporations as HMOs in the state. *See* Minn. H.J., 93d Leg., Reg. Sess. 11172 (2024);⁴⁷ Minn. Sen. J., 93d Leg., Reg. Sess. 11555 (2024).⁴⁸ The bill stated that only non-profit corporations could apply to the Commissioner of Health for a certificate of authority to operate an HMO. *Id.*

87. The bill included various deadlines, including that for-profit HMOs “must not offer, sell, issue, or **renew** any health maintenance contracts on or after August 1, 2024.” SF 3543, As Introduced – 93d Leg. (2023–2024) (emphasis added).⁴⁹

88. In April, the language was incorporated into the House and Senate versions of the Health and Human Services Omnibus. *See* Minn. H.J., 93d Leg., Reg. Sess. 14638–889 (2024);⁵⁰ Minn. Sen. J., 93d Leg., Reg. Sess. 14948–15436 (2024).⁵¹

⁴⁷ Available at <https://www.house.mn.gov/cc/journals/2023-24/J0212078.htm#11172> (last visited July 24, 2024).

⁴⁸ Available at <https://www.senate.mn/journals/2023-2024/20240212078.pdf#page=45> (last visited July 24, 2024).

⁴⁹ Available at https://www.revisor.mn.gov/bills/text.php?number=SF3543&version=latest&session=ls93&session_year=2024&session_number=0 (last visited July 24, 2024).

⁵⁰ Available at <https://www.house.mn.gov/cc/journals/2023-24/J0426106.htm#14638> (last visited July 24, 2024).

⁵¹ Available at <https://www.senate.mn/journals/2023-2024/20240425105.pdf#page=122> (last visited July 24, 2024).

89. On May 9, however, as part of the public legislative process, the House introduced a grandfather clause amendment to allow existing for-profit HMOs like Community Plan of MN to continue operating. *See* Minn. H.J., 93d Leg., Reg. Sess. 16194–95 (2024).⁵² The proposed amendment stated that “[a]n entity . . . which is not a nonprofit corporation . . . and . . . which holds a certificate of authority under sections 62D.01 to 62D.30 as of June 1, 2024 may continue to operate as a health maintenance organization for as long as the corporation holds a certificate of authority.” *Id.* The Senate’s version of the bill did not include the grandfather provision. *HHS, Side-by-Side – Art. 4*, at R5A4-R10A4 (Minn. 2024).⁵³ The Health and Human Services Omnibus was sent to the Health and Human Services Omnibus Conference Committee to resolve the disagreement.

90. The Health and Human Services Omnibus Conference Committee did not meet to resolve the disagreement until 5:45 PM on Sunday, May 19, the last day of the session. *Conf. Comm. Activity S.F. 5247*, 93d Leg. (Minn. 2024).⁵⁴

91. That evening, the Conference Committee passed a Report on the Health and Human Services Omnibus. *See* Off. of Revisor of Stats., *Conf. Comm. Rep’t on S.F. No. 4699*, 93d Leg., 48.13–48.19 (Minn. 2024);⁵⁵ *see also* Minnesota Senate Media Services,

⁵² Available at <https://www.house.mn.gov/cc/journals/2023-24/J0509114.htm#16194> (last visited July 24, 2024).

⁵³ Available at https://www.revisor.mn.gov/side_by_sides/3229177 (last visited July 24, 2024).

⁵⁴ Available at <https://www.leg.mn.gov/leg/cc/Default?type=bill&year=2024-93&bill=SF-4699> (last visited July 24, 2024).

⁵⁵ Available at https://www.revisor.mn.gov/bills/text.php?number=SF4699&version=0&session=ls93.0&session_year=2024&session_number=0&type=ccr (last visited July 24, 2024).

Conference Committee on SF 4699 – Omnibus Health and Human Services – 05/19/24, YOUTUBE (May 19, 2024).⁵⁶

92. The last-day Report addressed the regulation of HMOs in a different way than either the House or the Senate. It did not include a grandfather provision for for-profit HMOs with pre-existing certificates of authority. *Id.* Instead, the Report amended Minnesota Statute Section 256B.035, which allows the “commissioner of human services” to “contract with public or private entities . . . to deliver health care services to medical assistance and MinnesotaCare program recipients,” to prohibit the commissioner from “enter[ing] into a contract with a health maintenance organization . . . which is not a nonprofit corporation” *Id.* at lines 89.9–89.14 (*i.e.* the “HMO Provision”).

93. The HMO Provision is effective as of January 1, 2025, and “applies to managed care contracts under medical assistance and MinnesotaCare that take effect on or after that date.” *Id.* at lines 89.20–89.22.

94. As a result of the HMO Provision, the Commissioner would be prohibited from entering into any new contracts with for-profit HMOs like Community Plan of MN if those new contracts came into effect in 2025.

95. The final Report with the new HMO Provision was made public and posted online for the very first time at **7:44 PM**. *See* Off. of Revisor of Stats., Conf. Comm. Rep’ts – H. Rep’ts, 93d Leg. (Minn. 2024).⁵⁷ Neither the House nor the Senate debated the

⁵⁶ Available at <https://www.youtube.com/watch?v=MnBTP1Nc5wY> (last visited July 24, 2024).

⁵⁷ Available at <https://www.revisor.mn.gov/reports/conference/> (last visited July 24, 2024).

Conference Committee Report on the Health and Human Services Omnibus on the floor because, approximately two hours later, the language of the Health and Human Services Omnibus was rolled into the Tax Omnibus Conference Committee Report and then ultimately passed within minutes of the midnight deadline. *See* Conf. Comm. Activity H.F. 5247, 93d Leg. (Minn. 2024).⁵⁸

96. In addition to the HMO Provision, the Jumbo Omnibus included other related provisions meant to limit the operation of HMOs by for-profit entities (the “Related Provisions”).

97. Three of the Related Provisions further limit the ability of for-profit HMOs to provide certain benefits. *See, e.g.*, Article 57, Section 1 (prohibiting for-profit HMOs from providing state-paid hospital, medical and dental benefits to eligible civil service employees); Article 57, Section 10 (clarifying that “[h]ealth maintenance organizations that are a nonprofit corporation organized under Chapter 317A or a local government unit shall, as a condition of receiving and retaining a certificate of authority, participate in the medical assistance and MinnesotaCare programs”); Article 57, Section 67 (stating a “health maintenance organization must be a nonprofit corporation . . . to serve as a managed care contractor under this section”).

98. The remaining Related Provisions prohibit non-profit health coverage entities from entering into conversion transactions that will affect their true status as non-profits.

⁵⁸ Available at <https://www.leg.mn.gov/leg/cc/Default?type=bill&year=2024-93&bill=HF-5247> (last visited July 24, 2024).

See, e.g., Article 57, Section 48 (prohibiting certain conversion transactions); Article 57, Section 49 (requirements for non-profit health coverage entity conversion transactions).

99. The HMO provisions limiting competition by barring new contracts with for-profit HMOs were included in the Jumbo Omnibus despite a study concluding that “little to no data are available to assess whether differences across for-profit and non-profit HMOs exist” and appear to reflect an unstated categorical preference for non-profit HMOs. *See* Minn. Dept. of Health, *Study of HMO Conversions Prelim. Rep. to the Minn. Leg. 2024*, at 49 (Feb. 2, 2024).⁵⁹

100. Community Plan of MN is the only for-profit HMO that currently offers health benefit plans to Minnesotans through the State’s Medicaid program.

101. For-profit HMOs are not reimbursed at a higher rate for the care they provide to members than non-profit HMOs. The Department sets the same base capitation rate—the “predictable, upfront, set amount of money to cover the predicted cost of all or some of the health care services for a specific patient over a certain period of time”—for all health plans. *See* CMS, *Capitation and Pre-payment*.⁶⁰ These capitation rates are designed to produce the same profit margin—approximately 1%—for all health plans. To the extent final capitation rates vary from the initial base rate, the variance is due to factors unrelated to an entity’s non-profit or for-profit status, such as risk adjustments to account for plans with higher-than-average membership acuity.

⁵⁹ Available at <https://www.health.state.mn.us/facilities/insurance/managedcare/docs/hmostudyprelimreport.pdf> (last visited July 24, 2024).

⁶⁰ Available at <https://www.cms.gov/priorities/innovation/key-concepts/capitation-and-pre-payment> (last visited July 24, 2024).

102. For-profit HMOs are also subject to the same medical loss ratio. A managed care entity must spend at least 85% of the capitation (premiums) it receives from the State under the Medicaid program on medical claims and claims-related expenses. If the entity spends less than 85% of the capitation, it must refund the portion of premiums that exceed that limit. 42 C.F.R. § 438.8(j); Minn. Stat. § 256B.6928, subd. 8; CMS, *Medical Loss Ratio Data and System Resources*.⁶¹

C. The Commissioner has refused to renew UnitedHealth’s Contracts due to the HMO Provision, shutting down one of its business lines.

103. Despite its history of renewals and expansions of the populations and regions Community Plan of MN was permitted to serve, the Department abruptly changed course after the Jumbo Omnibus was passed and stated it will not renew its contracts with Community Plan of MN. The Commissioner made clear that the non-renewal is *because of* the HMO Provision:

⁶¹ Available at [https://www.cms.gov/marketplace/resources/data/medical-loss-ratio-data-systems-resources#:~:text=If%20an%20insurance%20company%20spends,Loss%20Ratio%20\(MLR\)%20rule](https://www.cms.gov/marketplace/resources/data/medical-loss-ratio-data-systems-resources#:~:text=If%20an%20insurance%20company%20spends,Loss%20Ratio%20(MLR)%20rule) (last visited July 24, 2024).

June 14, 2024

Sarah Dye
Chief Executive Officer
UnitedHealthcare Community Plan of MN
9800 Health Care Lane, MN 006-W900
Minnetonka, MN 55343
[sent via email: sarah.dye@uhc.com]

Notification of Non-Renewal of the Families and Children, Seniors, and Special Needs BasicCare contracts for 2025

Dear Ms. Dye:

Pursuant to Section 5.2.1.2 of the 2024 Families and Children (F&C), Minnesota Senior Health Options and Minnesota Senior Care Plus (Seniors), and Special Needs BasicCare (SNBC) contracts, the Department of Human Services (DHS) is providing UnitedHealthcare (UHC) notice of non-renewal of these contracts. The F&C, Seniors, and SNBC contracts will expire on December 31, 2024, at 11:59:59 p.m. (Central Standard Time).

As you are aware, Minnesota Statutes, §256B.035 was amended by Minnesota Laws 2024, Ch. 127, Art. 57, Sec. 55, as follows: “The commissioner must not enter into a contract with a health maintenance organization, as defined in section 62D.02, which is not a nonprofit corporation organized under chapter 317A or a local governmental unit, as defined in section 62D.02,” effective January 1, 2025. Because UHC of Illinois, Inc. is not a nonprofit organized under chapter 317A, DHS is issuing this notice of non-renewal to conform to this law.

104. On July 31, 2024, the Department confirmed by email that it would not renew the Contracts and that the Jumbo Omnibus provided the sole reason for its decision. The Department also thanked UnitedHealth for the services it has provided under the Contracts and confirmed that “[i]f the legislature reverses course and allows for profit entities to be eligible for contracts again,” the Department would be pleased to work with UnitedHealth once more.

105. Non-renewal will cause irreparable harm to Community Plan of MN, the UnitedHealth plaintiffs, and the members UnitedHealth serves in this State.

106. Community Plan of MN will lose all of the members in its health benefit plans that participate in the State's Health Care Programs. These members represent the entirety of Community Plan of MN's membership. If the Court does not intervene, as of January 1, 2025, these members will be transferred to Community Plan of MN's competitors. Because Community Plan of MN will be unable to renew its Contracts with the Department, it will be forced to shutter and let go dozens of Minnesota employees who are dedicated to the operation of that business line. All of the monetary and relational investments UnitedHealth made to initiate and develop Community Plan of MN will be sunk costs, with no means of remedy from this lawsuit.

107. UnitedHealth will lose invaluable goodwill among the more than 30,000 members whom Community Plan of MN will be required to notify that it can no longer serve their needs. The UnitedHealth family will also suffer reputational harm in the communities and industry more broadly from being forced to terminate six health plans and close an entire business line.

108. UnitedHealth risks irreparable harm from non-renewal as early as August 14, 2024, when UnitedHealth will miss an important deadline imposed by CMS.

109. As part of the Special Needs and Seniors contracts, UnitedHealth offers "dual-eligible" plans to those who are eligible for both the state-overseen Medicaid plans and the federally overseen Medicare plans.

110. Under its Special Needs contract, UnitedHealth offers an "Integrated" plan, which includes Medicare, and a "Non-Integrated" plan, which does not. Likewise, under its

Seniors contract, UnitedHealth operates a “Minnesota Senior Health Options” plan, which includes Medicare, and a “Minnesota Senior Care Plus” plan, which does not.

111. Because the dual-eligible plans carry out the federally administered Medicare statute, they must receive annual approval from CMS. As part of that process, UnitedHealth must demonstrate that it is authorized by the State to administer the Medicaid portion of the plan, something it usually achieves by presenting the Contracts—each of which contains an evergreen clause—to CMS.

112. On July 24, 2024, as part of its annual review of UnitedHealth’s dual-eligible plans, CMS sent UnitedHealth two deficiency notices explaining that it “was notified by the MN Department of Human Services that a non-renewal notice was issued on June 14, 2024 for the respective contract[s].”

113. Unless UnitedHealth “correct[s] the deficiencies” by **8:00 PM Eastern on August 14, 2024**, UnitedHealth will lose its ability to offer the Integrated Special Needs plan and its Minnesota Senior Health Options plan. The current members of those plans will be forced to find new plans.

V. The Legislature also Rolled into the Jumbo Omnibus Wholly Unrelated Employee Classification Provisions.

114. In addition to the HMO Provisions, the Jumbo Omnibus also amended Minnesota’s worker classification statute to change the remedies available to individuals and the State for the alleged inaccurate classification of workers. *See* Article 10, Sections 5-7.

115. The Employee Classification Provisions are not connected to the HMO Provisions by any germane subject matter.

116. The primary Employee Classification Provision (Article 10, Section 7) amends Minnesota’s worker classification statute, Minn. Stat. § 181.722, to codify new grounds for bringing a statutory worker misclassification claim and to enumerate the compensatory and statutory remedies available to individuals and to the State for violations of Section 181.722.

117. The secondary Employee Classification Provisions (Article 10, Sections 5-6) clarify that parties found in violation of Minn. Stat. § 181.722 (and other employment statutes) shall be ordered by the Commissioner of the Department of Labor and Industry to pay remedies to the aggrieved parties (Section 5), and also provide individuals with a civil cause of action for inaccurate classification under Minn. Stat. § 181.722 (Section 6).

118. The Employee Classification Provisions were entirely disconnected from the HMO Provisions until they were rolled into the final Jumbo Omnibus in the Tax Conference Committee Report in the final hours of the legislative session.

119. The Employee Classification Provisions began in a standalone worker misclassification bill, entitled “A bill for an act relating to employees; prohibiting misclassification of employees; imposing penalties; classifying data” (HF 4444/SF 4483), which was first introduced in the House on February 29, 2024, and in the Senate on March 4, 2024. *See* Minn. H.J., 93d Leg., Reg. Sess. 11514 (2024);⁶² Minn. Sen. J., 93d Leg., Reg. Sess. 11898 (2024).⁶³

⁶² Available at <https://www.house.mn.gov/cc/journals/2023-24/J0229087.htm#11514> (last visited July 27, 2024).

⁶³ Available at <https://www.senate.mn/journals/2023-2024/20240304088.pdf#page=32> (last visited July 27, 2024).

120. These Employee Classification Provisions were then rolled into the Transportation, Housing, and Labor Omnibus (HF 5242/SF 5284), which was eventually passed out of the Transportation, Housing, and Labor Omnibus Conference Committee on the afternoon of May 19, 2024. *See* Off. of Revisor of Stats., Conf. Comm. Rep. on H.F. No. 5242A, 93d Leg., 177.16–182.4 (Minn. 2024).⁶⁴

121. ULIC works with independent contractors, including for the sale of commercial insurance products. A number of these independent contractors based in Minnesota have executed contracts that contain arbitration clauses with ULIC.

122. The Employee Classification Provisions threaten to undercut the arbitration rights that ULIC has bargained for in its contracts with these independent contractors, harming ULIC’s expectations in its contracts.

FIRST CAUSE OF ACTION

(Declaratory Judgment – Violation of the Minnesota Constitution’s Single Subject Clause)

123. Plaintiffs reallege and incorporate by reference the foregoing allegations.

124. Pursuant to Minnesota Statute Section 555.01, this Court has the power to “declare rights, status and other legal relations whether or not further relief is or could be claimed.” The declaration “may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree.” *Id.*

⁶⁴ *Available at*

https://www.revisor.mn.gov/bills/text.php?number=HF5242&type=ccr&version=A&session=ls93&session_year=2024&session_number=0 (last visited July 27, 2024).

125. Article IV, Section 17 of the Minnesota Constitution states that “[n]o law shall embrace more than one subject, which shall be expressed in its title.”

126. All provisions in a statute must therefore be “so connected or related to each other’ that they are all ‘parts of, or germane to, one subject.” *Otto*, 910 N.W.2d at 456 (quoting *Townsend v. State*, 767 N.W.2d 11, 13 (Minn. 2009)).

127. Neither the HMO Provision and its Related Provisions nor the Employee Classification Provisions are germane to any “one subject” that relates to each of the distinct provisions in the Jumbo Omnibus, which addresses issues ranging from binary triggers in firearms, to higher education, to traffic cameras. *Id.*

128. The Court should declare that the HMO Provision, its Related Provisions, and the Employee Classification Provisions violate the Single Subject Clause in Article IV, Section 17 of the Minnesota Constitution and must be severed from the Jumbo Omnibus. *See Assoc. Builders & Contractors*, 610 N.W.2d at 307 (noting that the proper recourse is to sever any part of the bill not germane to the subject matter of the legislation).

SECOND CAUSE OF ACTION

(Declaratory Judgment – Violation of the Minnesota Constitution’s Title Clause)

129. Plaintiffs reallege and incorporate by reference the foregoing allegations.

130. Pursuant to Minnesota Statute Section 555.01, this Court has the power to “declare rights, status and other legal relations whether or not further relief is or could be claimed.” The declaration “may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree.” *Id.*

131. Article IV, Section 17 of the Minnesota Constitution states that “[n]o law shall embrace more than one subject, which shall be expressed in its title.”

132. The HMO Provision and its Related Provisions do not “embrace . . . one subject” which is “expressed” in the title of the Jumbo Omnibus.

133. The Jumbo Omnibus’s title does not mention the prohibition of for-profit operation of HMOs. The title does not mention HMOs.

134. The Court should declare that the HMO Provision and its Related Provisions violate the Title Clause in Article IV, Section 17 of the Minnesota Constitution, and it should sever them from the Jumbo Omnibus. *See Assoc. Builders & Contractors*, 610 N.W.2d at 307.

THIRD CAUSE OF ACTION

(Declaratory Judgment – Construction of Article 57, Section 55)

135. Plaintiffs reallege and incorporate by reference the foregoing allegations.

136. Pursuant to Minnesota Statute Section 555.01, this Court has the power to “declare rights, status and other legal relations whether or not further relief is or could be claimed.” The declaration “may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree.” *Id.*

137. The Commissioner has refused to renew the Plaintiffs’ Contracts because the HMO Provision states that “[t]he commissioner must not enter into a contract with a health maintenance organization . . . which is not a nonprofit . . .” and “UHC of Illinois, Inc. is not a nonprofit.” *See supra* ¶ 103 (quoting Article 57, Section 55).

138. The Commissioner has misinterpreted the text of Article 57, Section 55. The provision only precludes the Department from “enter[ing] into” new contracts with for-profit HMOs. It does not preclude the Commissioner from renewing existing contracts. *See* HF 5247, 4th Engrossment – 93d Leg, Article 57, Section 55.

139. UnitedHealth’s Contracts with the Department are existing contracts subject to renewal and therefore are not subject to the prohibitions in Article 57, Section 55.

140. The Court should declare that Article 57, Section 55 of the Jumbo Omnibus does not preclude the Department from renewing UnitedHealth’s Contracts and that it was error for the Commissioner to withhold renewal based on the rationale that it does.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs UnitedHealth Group Incorporated, UnitedHealthcare of Illinois, Inc., and ULIC respectfully request relief as follows:

1. A judgment in favor of the Plaintiffs declaring that the HMO Provision and Related Provisions of the Jumbo Omnibus are unconstitutional and must be severed under the Single Subject Clause and Title Clause of the Minnesota Constitution;
2. A judgment in favor of the Plaintiffs declaring that the Employee Classification Provisions of the Jumbo Omnibus are unconstitutional and must be severed under the Single Subject Clause of the Minnesota Constitution;
3. A judgment in favor of Plaintiffs declaring that the HMO Provision does not apply to the renewal of its Contracts with the Department and that it was error for the Commissioner to refuse to renew the Contracts on that basis;

4. An order preliminarily and permanently enjoining the Commissioner of the Department from enforcing its non-renewal of UnitedHealth's Contracts with the State of Minnesota as an HMO provider on the basis of the unconstitutional HMO Provision of the Jumbo Omnibus;

5. An award of costs pursuant to Minnesota Statute Section 555.10, authorizing Minnesota courts to award costs to prevailing parties in an action brought under the Minnesota Uniform Declaratory Judgments Act; and

6. For such other and further relief as this Court deems just and proper.

Respectfully Submitted,

FAEGRE DRINKER BIDDLE & REATH LLP

Date: August 2, 2024

By: /s/ Aaron D. Van Oort

Aaron D. Van Oort (#0315539)

Peter C. Magnuson (#0392342)

Hannah M. Leiendecker (#0399361)

John L. Rockenbach (#0401271)

Josiah D. Young (#0401760)

2200 Wells Fargo Center

90 South Seventh Street

Minneapolis, MN 55402-3901

Tel.: (612) 766-7000

aaron.vanoort@faegredrinker.com

peter.magnuson@faegredrinker.com

hannah.leiendecker@faegredrinker.com

john.rockenbach@faegredrinker.com

josiah.young@faegredrinker.com

*Attorneys for UnitedHealth Group Incorporated,
UnitedHealthcare of Illinois, Inc., and UnitedHealthcare
Life Insurance Company*

MINN. STAT. § 549.211 ACKNOWLEDGMENT

The party on whose behalf the attached document is served acknowledges through its undersigned counsel that sanctions, including reasonable attorney's fees and other expenses, may be awarded to the opposite party or parties pursuant to Minn. Stat. § 549.211.

Date: August 2, 2024

By: */s/ Aaron D. Van Oort*



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