

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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ERIN KRUPA, MARIANNE KRUPA, SOL MEJIAS, and  
SARAH MILLS,

Plaintiffs-Appellants,

No.: 18-1380

- against -

The NEW JERSEY STATE HEALTH BENEFITS COMMISSION; the NEW JERSEY SCHOOL EMPLOYEES' HEALTH BENEFITS COMMISSION; the STATE HEALTH BENEFITS PROGRAM PLAN DESIGN COMMITTEE; the SCHOOL EMPLOYEES' HEALTH BENEFITS PROGRAM PLAN DESIGN COMMITTEE; CHRISTOPHER S. PORRINO, *in his official capacity as Attorney General of the State of New Jersey*; RICHARD J. BADOLATO, *in his personal capacity and official capacity as Commissioner of the New Jersey Department of Banking and Insurance and member of the State Health Benefits Program Plan Design Committee and School Employees' Health Benefits Program Plan Design Committee*; FLORENCE J. SHEPPARD, *in her official capacity as Director of the New Jersey Division of Pensions and Benefits*; SUSAN CULLITON, HOLLY GAENZLE, ROBERT M. CZECH, DUDLEY BURDGE, and DEBRA DAVIS, *in their personal capacities and official capacities as members of the State Health Benefits Commission*; SONIA RIVERA-PEREZ, THOMAS GALLAGHER, CARMEN GONZALEZ-GANNON, CYNTHIA JAHN, and SERENA DIMASO, *in their personal capacities and official capacities as members of the School Employees' Health Benefits Commission*; JOHN HUTCHISON, MICHAEL ZAYNOR, KEVIN LYONS, ROBERT LITTLE, PATRICK NOWLAN, SAM VIVATINNE, HETTY ROSENSTEIN, AARON FICHTNER, and ABDUR R. YASIN, *in their personal capacities and official capacities as members of the State Health Benefits Program Plan Design Committee*; JEAN PIERCE, *in her personal capacity and official capacity as member of the School Employees' Health Benefits Program Plan Design Committee*; WENDELL STEINHAUER and KEVIN KELLEHER, *in their personal capacities and official capacities as members of the School Employees' Health Benefits Commission and School Employees' Health Benefits Program Plan Design Committee*; and BETH SCHERMERHORN and DAVID RIDOLFINO, *in their personal capacities and official capacities as members of the State Health Benefits Program Plan Design Committee and School Employees Health Benefits*

*Program Plan Design Committee,*

Defendants-Appellees.

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**NOTICE OF UNCONTESTED MOTION FOR RULE 42(B) DISMISSAL OF APPEAL**

**PLEASE TAKE NOTICE** that pursuant to Fed. R. App. P. 42(b), and based upon the attached Rule 42(B) Stipulation of Dismissal, Plaintiffs-Appellants Erin Krupa, Marianne Krupa, Sol Mejias and Sarah Mills (“Plaintiffs”) hereby move this Court for an order dismissing the appeal with prejudice, with the Plaintiffs responsible for all costs associated with the appeal.

Dated: New York, New York  
March 29, 2018

BERANBAUM MENKEN LLP

By: /s/ John A. Beranbaum  
Attorney for Plaintiffs

cc: Amy Chung, Deputy Attorney General (by ECF)

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*Program Plan Design Committee,*

Defendants-Appellees.

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**RULE 42(B) STIPULATION OF DISMISSAL**

Plaintiffs-Appellants Erin Krupa, Marianne Krupa, Sol Mejias and Sarah Mills (“Plaintiffs”) and Defendants-Appellees New Jersey State Health Benefits Commission, *et al*, hereby stipulate and agree pursuant to Fed. R. App. P. 42(b) that Plaintiffs’ appeal to the United States Court of Appeals for the Third Circuit from the Opinion and Order of Judge Susan D. Wigenton, filed in this matter on February 22, 2018, should be and hereby is dismissed with prejudice. The parties also stipulate and agree that Plaintiffs shall be responsible for all court costs and fees in this appeal. The parties further stipulate and agree that neither party shall make an application for attorney’s fees or costs associated with appeal.

Dated: New York, New York  
March 29, 2018

BERANBAUM MENKEN LLP

By: /s/ John A. Beranbaum  
Attorney for Plaintiffs

GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW  
JERSEY

By: /s/ Amy Chung  
Deputy Attorney General  
Attorney for Defendants