

# **Attachment B**

**Colorado Medicaid Stipulation Approving Coverage  
Request for Hetlioz**

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

Civil Action No. 1:21-cv-03175-KLM

SARAH ANDERSON,

Plaintiff,

v.

KIM BIMESTEFER, in her official capacity as Executive Director of the Colorado State Department of Health Care Policy and Financing,  
TRACY JOHNSON, in her official capacity as Medicaid Director of the Colorado State Department of Health Care Policy and Financing,  
PETER WALSH, in his official capacity as Chief Medical Officer of the Colorado State Department of Health Care Policy and Financing,  
CHRISTY BLAKELY, in her official capacity as a member of the Colorado State Department of Health Care Policy and Financing's Medical Services Board,  
CECILE FRALEY, in her official capacity as a member of the Colorado State Department of Health Care Policy and Financing's Medical Services Board,  
PATRICIA LYNN GIVENS, in her official capacity as a member of the Colorado State Department of Health Care Policy and Financing's Medical Services Board,  
SIMON HAMBIDGE, in his official capacity as a member of the Colorado State Department of Health Care Policy and Financing's Medical Services Board,  
BREGITTA HUGHES, in her official capacity as a member of the Colorado State Department of Health Care Policy and Financing's Medical Services Board,  
JESSICA KUHNS, in her official capacity as a member of the Colorado State Department of Health Care Policy and Financing's Medical Services Board,  
CHAROLETTE LIPPOLIS, in her official capacity as a member of the Colorado State Department of Health Care Policy and Financing's Medical Services Board,  
AMANDA MOORER, in her official capacity as a member of the Colorado State Department of Health Care Policy and Financing's Medical Services Board,  
AN NGUYEN, in her official capacity as a member of the Colorado State Department of Health Care Policy and Financing's Medical Services Board,  
DAVID PUMP, in his official capacity as a member of the Colorado State Department of Health Care Policy and Financing's Medical Services Board,  
DONNA M. ROBERTS, in her official capacity as a member of the Colorado State Department of Health Care Policy and Financing's Medical Services Board,

Defendants.

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STIPULATION OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(ii)

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WHEREAS Plaintiff filed a complaint challenging the Colorado Department of Health Care Policy and Financing's criteria providing coverage for Hetlioz only for blind individuals with Non-24-Hour Sleep-Wake Disorder ("Non-24") and seeking declaratory and injunctive relief;

WHEREAS the parties agree that the FDA has approved Hetlioz to treat all individuals with Non-24, without regard to whether they are blind;

WHEREAS the Colorado Department of Health Care Policy and Financing has revised its prior authorization criteria for Hetlioz to remove the requirement that a Medicaid enrollee with Non-24 must be blind;

WHEREAS the Colorado Department of Health Care Policy and Financing has approved Plaintiff's request for coverage for Hetlioz as medically necessary;

IT IS HEREBY STIPULATED AND AGREED by and between the parties and their respective counsel that the above-captioned action is voluntarily dismissed, with prejudice, against the defendants Kim Bimestefer, Tracy Johnson, Peter Walsh, Christy Blakely, Cecile Fraley, Patricia Lynn Givens, Simon Hambidge, Bregitta Hughes, Jessica Kuhns, Charolette Lippolis, Amanda Moorer, An Nguyen, David Pump, and Donna M. Roberts, pursuant to the Federal Rules of Civil Procedure 41(a)(1)(A)(ii).

**DATE:** 12/20/2021

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/s/ Jennifer Weaver  
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