

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

HEALTH ALLIANCE MEDICAL PLANS, INC.,	)	
	)	
	)	<b>No. 17-653C</b>
<b>Plaintiff,</b>	)	
v.	)	<b>Judge Patricia E. Campbell- Smith</b>
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
<b>Defendant.</b>	)	
<hr/>		
HEALTH ALLIANCE MEDICAL PLANS, INC. AND HEALTH ALLIANCE NORTHWEST PLAN, INC.,	)	
	)	
	)	<b>No. 17-1759C</b>
<b>Plaintiffs,</b>	)	
v.	)	<b>Judge Patricia E. Campbell- Smith</b>
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
<b>Defendant.</b>	)	

**STIPULATION FOR ENTRY OF JUDGMENT**

To resolve the risk corridors claims of Plaintiff Health Alliance Medical Plans, Inc. (“Health Alliance”), on behalf of itself and its subsidiary Health Alliance-Midwest, Inc., and Plaintiff Health Alliance Northwest Plan, Inc. (collectively, “Plaintiffs”), and to permit the entry of final judgment on those claims, it is stipulated between the Parties:

1. Section 1342 (42 U.S.C. § 18062) of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148 (2010), 124 Stat. 119 *et seq.* (the “ACA”), created the risk corridors program.

2. In Case No. 17-653C, on May 18, 2017, Health Alliance filed the Complaint in this Court seeking damages under section 1342 of the ACA for benefit years 2014 and 2015. The Complaint asserts two counts, each raising a separate theory for damages arising under section 1342 of the ACA for benefit years 2014 and 2015.

3. In Case No. 17-1759C, on November 9, 2017, Plaintiffs filed the Complaint in this Court seeking damages under section 1342 of the ACA for benefit year 2016. The Complaint asserts two counts, each raising a separate theory for damages arising under section 1342 of the ACA for benefit year 2016.

4. On July 17, 2017, the Court entered an order that stayed Case No. 17-653C. ECF No. 14.

5. On November 17, 2017, the Court entered an order that stayed Case No. 17-1759C. ECF No. 8.

6. On April 27, 2020, the Supreme Court held that section 1342 “created an obligation neither contingent on nor limited by the availability of appropriations or other funds,” that the obligation was not affected by subsequently-enacted legislation, and that the “petitioners may seek to collect payment through a damages action in the Court of Federal Claims.” *Maine Community Health Options v. United States*, 140 S. Ct. 1308, 1323, 1331 (2020).

7. The Parties agree that *Maine Community Health Options* entitles Health Alliance to payment under section 1342 for benefit years 2014, 2015, and 2016 in the total amount of \$32,537,421.97 (the “Stipulated Amount”), on behalf of itself and its subsidiaries, and that this payment resolves entirely the Complaints in Case No. 17-653C and Case No. 17-1759C for all counts seeking damages arising under section 1342 of the ACA.

8. Accordingly, the Parties jointly request that the Court enter judgment in favor of

Health Alliance in the amount of \$32,537,421.97 on Count I of the Complaint in Case No. 17-653C (risk corridors benefit years 2014 and 2015) and on Count I of the Complaint in Case No. 17-1759C (risk corridors benefit year 2016).

9. Upon the Court's entry of judgment as requested above, the Parties further request that the Court dismiss Count II of the Complaint in Case No. 17-653C, and Count II of the Complaint in Case No. 17-1759C with prejudice.

10. Upon entry of judgment and receipt of full payment by Health Alliance of the Stipulated Amount, Health Alliance (HIOS No. 20129), Health Alliance-Midwest, Inc. (HIOS No. 77931), and Health Alliance Northwest Plan, Inc., (HIOS No. 38229), and any and all of Health Alliance's affiliated entities, release the United States, its agencies, instrumentalities, officers, agents, employees, and servants, from all claims (including attorney fees, costs, and expenses of every kind and however denominated) that Health Alliance (HIOS No. 20129), Health Alliance-Midwest, Inc. (HIOS No. 77931), and Health Alliance Northwest Plan, Inc., (HIOS No. 38229), and any and all of Health Alliance's affiliated entities, has asserted, could have asserted, or may assert in the future against the United States, its agencies, instrumentalities, officers, agents, employees, and servants, arising under Section 1342 of the ACA.

Dated: June 26, 2020

OF COUNSEL:

Jim Regan

Daniel Wolff

Skye Mathieson

Charles Baek

CROWELL & MORING LLP

Respectfully Submitted,

/s/ Stephen McBrady

Stephen McBrady

CROWELL & MORING LLP

1001 Pennsylvania Avenue, NW

Washington, DC 20004

Tel: (202) 624-2500

Fax: (202) 628-5116

1001 Pennsylvania Avenue, NW  
Washington, DC 20004

SMcBrady@crowell.com

*Counsel for Plaintiffs*

JOSEPH H. HUNT  
Assistant Attorney General

RUTH A. HARVEY  
Director  
Commercial Litigation Branch

KIRK T. MANHARDT  
Deputy Director

/s/ Shane Huang  
PHILLIP M. SELIGMAN  
MARC S. SACKS  
FRANCES M. MCLAUGHLIN  
L. MISHA PREHEIM  
TERRANCE A. MEBANE  
SHANE HUANG  
Commercial Litigation Branch  
Civil Division  
United States Department of Justice  
P.O. Box 875  
Ben Franklin Station  
Washington D.C. 20044  
Tel. (202) 616-0341  
Fax (202) 514-9163  
shane.huang@usdoj.gov

ATTORNEYS FOR THE UNITED  
STATES