

In the United States Court of Federal Claims

No. 17-1090C
Filed: June 29, 2020

HEALTHNOW NEW YORK, INC.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

On August 11, 2017, Plaintiffs filed a Complaint in this court seeking risk corridors damages under 42 U.S.C § 18062 (Section 1342 of the Affordable Care Act) for benefit years 2015 and 2016. (See Compl., ECF No. 1). On April 27, 2020, the Supreme Court of the United States issued its opinion in *Maine Cnty. Health Options v. United States*, 140 S. Ct. 1308 (2020). The Supreme Court held that “the plain terms of the [Section 1342] created an obligation neither contingent on nor limited by the availability of appropriations or other funds.” *Id.* at 1323.

The parties agree that this decision entitles Plaintiffs “to receive payment of damages from the United States under ACA section 1342 for risk corridors benefit years 2015 and 2016 in the total amount of \$38,738,940.38” and receipt of this payment “[will resolve] entirely the Complaint in this case.” (Stipulations, ECF No. 12).

Accordingly, the Clerk is **DIRECTED TO ENTER JUDGMENT** for plaintiffs in the amount of \$38,738,940.38 on Count I of the Complaint. The Clerk is further **DIRECTED TO DISMISS** Count II of the Complaint with prejudice.

IT IS SO ORDERED.

s/ David A. Tapp
DAVID A. TAPP, Judge