

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

## **STIPULATION FOR ENTRY OF JUDGMENT**

To resolve the risk corridors claims of Plaintiffs Medica Health Plans, Medica Insurance Company, and Medica Health Plans of Wisconsin (“Medica”), 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. On January 23, 2017, Medica filed the Complaint in this Court seeking damages under section 1342 of the ACA.
3. On August 16, 2018, the Court entered an order that stayed this case.
4. 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).

5. On May 28, 2020, Medica filed the Amended Complaint. The Amended Complaint asserts four counts, each raising a separate theory for damages arising under section 1342 of the ACA.

6. The Parties agree that *Maine Community Health Options* entitles Medica to payment under section 1342 for benefit years 2014, 2015, and 2016 in the amount of \$53,332,172.09 (the “Stipulated Amount”) and that this payment resolves entirely the Amended Complaint for all counts seeking damages arising under section 1342 of the ACA.

7. Accordingly, the Parties jointly request that the Court enter judgment in favor of Medica in the amount of \$53,332,172.09 on Count I of the Amended Complaint (risk corridors benefit years 2014, 2015, and 2016).

8. The Parties further request that the Court dismiss Counts II, III, and IV of the Amended Complaint with prejudice.

9. Upon entry of judgment in the Stipulated Amount, Medica Health Plans (HIOS No. 73751), Medica Insurance Company (HIOS Nos. 31616, 39364, 57637, 20305, 93078), and Medica Health Plans of Wisconsin (HIOS Nos. 65847, 57845), and any and all of each named Plaintiff’s affiliated entities, release the United States, its agencies, instrumentalities, officers, agents, employees, and servants, from all claims (including attorneys’ fees, costs, and expenses of every kind and however denominated) that Medica Health Plans (HIOS No. 73751), Medica Insurance Company (HIOS Nos. 31616, 39364, 57637, 20305, 93078), and Medica Health Plans of Wisconsin (HIOS Nos. 65847, 57845) and any and all of each named Plaintiff’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 or related to Section 1342 of the ACA.

Dated: June 19, 2020

Respectfully submitted,

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