

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

COMMON GROUND HEALTHCARE
COOPERATIVE,

Plaintiff,
on behalf of itself and all others
similarly situated,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

No. 1:17-cv-00877-MMS
(Judge Sweeney)

JOINT STATUS REPORT

Pursuant to the Court’s June 30, 2020 order (Dkt. 94), Plaintiff Common Ground Healthcare Cooperative and Defendant United States of America (“government”) submit this joint status report. The parties agree on the amount of the risk corridors payments owed to each class member. The government insists that class member Freelancers CO-OP of New Jersey’s (“Freelancers”) Affordable Care Act debts be offset against its risk corridors payment. Plaintiffs assert that any such offset would be legally impermissible. As a consequence of this offset dispute, the parties cannot agree on the amount of a stipulated judgment for Freelancers.

Accordingly, the parties propose that the “class . . . be divided into subclasses that are each treated as a class under” Rule 23(c)(5). One subclass could consist of the class members without any dispute with the government. The parties are prepared to enter into a stipulated judgment with respect to this proposed subclass by Friday, July 17. The other subclass would consist of Freelancers and resolve the dispute with the government over the amount of the judgment. The parties agree this dispute could be resolved through briefing to the Court. The

parties further propose that, on or before Friday, July 17, they submit a joint status report setting forth the remaining legal issues and a short statement of the parties' respective positions on those issues, as well as the parties' positions on the treatment of Freelancers' risk corridor claim during the pendency of the parties' offset dispute.

DATED: July 10, 2020

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CERTIFICATE OF SERVICE

I certify that on July 10, 2020, a copy of the attached Joint Status Report was served via the Court's CM/ECF system on all counsel of record.

s/ Stephen Swedlow

Stephen Swedlow