

In the United States Court of Federal Claims

No. 18-491C  
(Filed: August 7, 2020)

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BLUE CROSS AND BLUE SHIELD  
OF NEBRASKA,

And

## HAWAII MEDICAL SERVICE ASSOCIATION,

Plaintiffs, on behalf of themselves  
And all others similarly situated,

V.

## THE UNITED STATES,

Defendant.

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## ORDER

Pursuant to the Stipulation for Entry of Final Judgment<sup>1</sup>, the Court **ACCEPTS** the following:

Hawai'i Medical Service Association ("HMSA") and the United States agree that *Maine Community Health Options* entitles HMSA to payment under section 1342 for benefit years 2015 and 2016 in the amount of \$33,883,433.52 (the "Stipulated Amount") and that this payment resolves entirely the Complaint for all counts in which HMSA seeks damages arising under section 1342 of the ACA. Accordingly, the HMSA is awarded \$33,883,433.52 (risk corridors benefit years 2015 and 2016 on Count I of the Complaint. As to HMSA, the Court further dismisses Count II of the Complaint (risk corridor claim asserted under separate theory) *with* prejudice and Count III of the Complaint (risk adjustment claim asserted under section 1343 of the ACA) *without* prejudice.

Upon entry of judgment in the Stipulated Amount, HMSCA (HIOS No. 18350) and any and all HMSCA's affiliated entities, release the United States, its agencies, instrumentalities,

<sup>1</sup> This stipulation does not resolve or permit entry of final judgment on the claims asserted by Plaintiff Blue Cross and Blue Shield of Nebraska or any claims asserted by the unnamed and uncertified class members.

officers, agents, employees, and servants, from all claims (including attorney fees, costs, and expenses of every kind and however denominated) that HMSA (HIOS No. 18350) and any and all of HMSA'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.

The Clerk is directed pursuant to RCFC 54(b) there being no just reason for delay, to enter judgment accordingly.

The Order dated August 5, 2020 is hereby STRICKEN.

**IT IS SO ORDERED.**

s/ Edward J. Damich  
EDWARD J. DAMICH  
Senior Judge