

In the United States Court of Federal Claims

No. 17-877C
(Filed: August 19, 2020)

COMMON GROUND HEALTHCARE
COOPERATIVE,

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Plaintiff,

*
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v.

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THE UNITED STATES,

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Defendant.

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ORDER

On July 23, 2020, the court directed the entry of judgment in the above-captioned case, pursuant to Rule 54(b) of the Rules of the United States Court of Federal Claims (“RCFC”), for the Non-Dispute Subclass. The judgment, entered the same day, provided:

Pursuant to the court’s Order, filed July 23, 2020, directing the entry of judgment pursuant to Rule 54(b), there being no just reason for delay and the parties’ joint motion to divide the class into subclasses and stipulation for entry of partial judgment, filed July 17, 2020,

IT IS ORDERED AND ADJUDGED this date, pursuant to Rule 58, that the Non-Dispute Subclass recover of and from the United States the amount of \$1,793,311,386.47. The judgment shall be payable to JND Legal Administration, the claims administrator retained by class counsel, for distribution to the members of the Non-Dispute Subclass as set forth in Exhibit A.

On August 18, 2020, plaintiff filed an unopposed motion to amend the judgment pursuant to RCFC 59(e) and RCFC 60(b). It explains that the claim of one of the subclass members—Celtic Insurance Company (HIOS No. 27833)—“is the subject of a separate, individual action in this Court, Case No. 16-1722, and a judgment has been entered in that case which includes the full amount of that entity’s claim of \$1,846,059.24.” It therefore requests that the amount awarded to Celtic Insurance Company be subtracted from the amount awarded to the subclass. In addition, it requests that the amount awarded to the subclass be increased to account for the claims of four new subclass members: CommunityCare Life and Health Insurance Company (HIOS ID 87698), MercyCare HMO, Inc. (HIOS ID 58326), MercyCare Insurance Company (HIOS ID 35334), and ZOOM+Care Health Insurance (HIOS ID 30969). It asserts that “[a]llowing these entities’ claims to be included in the Non-Dispute Subclass’s judgment in this case will conserve the

resources of both the parties and the Court, as it would obviate the need for an additional series of individual lawsuits.” Plaintiff avers that if its motion is granted, the new amount of the judgment for the subclass would be \$1,796,711,630.07.

A motion to alter or amend judgment under RCFC 59(e) “seeks a revision which disturbs or revises legal rights and obligations that were settled by the previous judgment.” Maxus Energy Corp. & Subsidiaries v. United States, 31 F.3d 1135, 1139 (Fed. Cir. 1994). “Since specific grounds for a motion to amend or alter are not listed in the rule, the district court enjoys considerable discretion in granting or denying the motion.” 11 Charles Alan Wright, Arthur R. Miller, & Mary Kay Kane, Federal Practice and Procedure § 2810.1 (3d ed. 2020); see also Magnum Opus Techs., Inc. v. United States, 94 Fed. Cl. 553, 555 (2010) (“Courts have recognized four grounds upon which granting of a motion to amend the judgment is appropriate: (1) to correct manifest errors of law or fact upon which the judgment is based; (2) so that the moving party may present newly discovered or previously unavailable evidence; (3) if necessary to prevent manifest injustice; or (4) an intervening change in controlling law.”).

A motion under RCFC 60(b) seeks to relieve a party from a final judgment. “As a remedial provision, Rule 60(b) is to be ‘liberally construed for the purpose of doing substantial justice.’” Patton v. Sec’y of HHS, 25 F.3d 1021, 1030 (Fed. Cir. 1994) (quoting 7 James W. Moore and Jo Desha Lucas, Moore’s Federal Practice ¶ 60.18[8], 60.19 (2d ed. 1993)). In particular, “Rule 60(b)(6) . . . grants federal courts broad authority to relieve a party from a final judgment ‘upon such terms as are just,’ provided that the motion is made within a reasonable time and is not premised on one of the grounds for relief enumerated in clauses (b)(1) through (b)(5).” Liljeberg v. Health Servs. Acquisition Corp., 486 U.S. 847, 863 (1988). Although Rule 60(b)(6) “does not particularize the factors that justify relief,” id. at 863-64, “it provides courts with authority ‘adequate to enable them to vacate judgments whenever such action is appropriate to accomplish justice,’” id. at 864 (quoting Klapprott v. United States, 335 U.S. 601, 614-15 (1949)), but “should only be applied in ‘extraordinary circumstances,’” id. (quoting Ackerman v. United States, 340 U.S. 193, 199 (1950)).

Plaintiff has demonstrated good cause for altering or amending the judgment pertaining to the Non-Dispute Subclass. Moreover, defendant does not oppose plaintiff’s request. Accordingly, the court **GRANTS** plaintiff’s unopposed motion and **VACATES** the RCFC 54(b) judgment entered on July 23, 2020. Pursuant to RCFC 54(b), there being no just reason for delay, the clerk shall enter judgment in favor of the Non-Dispute Subclass in the amount of \$1,796,711,630.07. The amount due to each member of the Non-Dispute Subclass is set forth in Exhibit A. The judgment shall be payable to JND Legal Administration, the claims administrator retained by class counsel, for distribution to the members of the Non-Dispute Subclass.

IT IS SO ORDERED.

s/ Margaret M. Sweeney
 MARGARET M. SWEENEY
 Chief Judge

Exhibit A

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.

Case No. 17-877C

Judge Sweeney

EXHIBIT A TO MOTION TO AMEND JUDGMENT

HIOS ID	Issuer Name	2016 RC Payments Balance
36373	All Savers Insurance Company	\$6,211,732.83
39924	All Savers Insurance Company	\$1,126,391.67
85947	All Savers Insurance Company	\$37,629,395.75
98971	All Savers Insurance Company	\$2,787,630.49
78726	All Savers Insurance Company	\$446,164.50
63509	Allegian Insurance Company	\$6,758,866.06
67577	Alliance Health and Life Insurance Company	\$846,068.00
32536	ATRIO Health Plans	\$3,823,044.78
60536	Avera Health Plans, Inc.	\$14,067,742.19
74980	Avera Health Plans, Inc.	\$363,498.27
15287	Blue Cross & Blue Shield of Rhode Island	\$6,723,928.86
18558	Blue Cross and Blue Shield of Kansas, Inc.	\$17,976,022.65
27811	BlueCross BlueShield Kansas Solutions, Inc.	\$28,596,175.72
40586	Bluegrass Family Health, Inc.	\$12,763,363.04
45127	Capital Advantage Assurance Company	\$12,584,816.88
10207	CareFirst BlueChoice, Inc.	\$8,737,341.69
28137	CareFirst BlueChoice, Inc.	\$41,057,486.62
86052	CareFirst BlueChoice, Inc.	\$139,120.92
45532	CareFirst of Maryland, Inc.	\$11,602,784.86
77552	CareSource	\$32,086,445.80
54192	CareSource Indiana, Inc.	\$10,568,031.40
45636	CareSource Kentucky Co.	\$3,087,507.35
50328	CareSource West Virginia Co.	\$1,239,716.45
94788	CDPHP	\$1,128,625.43

92551	CDPHP Universal Benefits Inc.	\$10,440,924.71
47579	Chinese Community Health Plan	\$1,287,266.96
66252	CHRISTUS Health Plan	\$9,529,090.47
72034	CHRISTUS Health Plan	\$2,352,154.70
63312	Colorado Choice Health Plans	\$4,956,311.74
87416	Common Ground Healthcare Cooperative	\$27,657,256.98
18581	Community Health Plan of Washington	\$492,042.87
98905	CommunityCare HMO Inc.	\$677,742.83
87698	CommunityCare Life & Health Insurance Co.	\$1,522,505.85
38345	Dean Health Plan	\$5,406,793.42
78124	Excellus Health Plan, Inc.	\$23,595,031.50
88806	Fallon Community Health Plan, Inc.	\$1,935,393.50
22444	Geisinger Health Plan	\$13,244,631.61
75729	Geisinger Quality Options, Inc.	\$5,955,066.10
78079	GHMSI	\$434,190.13
94084	GHMSI	\$9,019,881.61
80473	Group Health Cooperative	\$21,043,260.92
34102	Group Health Plan, Inc.	\$14,052,643.55
40308	Group Hospitalization and Medical Services Inc.	\$4,073,508.25
27651	Gundersen Health Plan, Inc.	\$81,427.05
91058	Gundersen Health Plan, Inc.	\$3,649,847.44
78463	Harken Health Insurance Company	\$28,285,818.16
95852	Harken Health Insurance Company	\$12,210,414.34
70239	Health Choice Insurance Co.	\$12,591,097.47
27357	Health First Health Plans, Inc.	\$1,432,717.01
77150	Health First Insurance, Inc.	\$205,230.49
95865	Health Plan of Nevada, Inc.	\$3,326,339.65
47342	Health Tradition Health Plan	\$2,691,924.97
92036	HealthSpan, Inc.	\$1,546,837.99
20126	HealthSpan Integrated Care	\$4,471,693.71
19636	HMO Louisiana, Inc.	\$5,177,649.58
91661	Horizon Healthcare Services, Inc.	\$16,478,389.42
33380	Indiana University Health Plans, Inc.	\$403,177.29
21032	Kaiser Foundation Health Plan of Colo.	\$76,429,472.92
89942	Kaiser Foundation Health Plan of Georgia	\$30,010,904.53
90296	Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.	\$31,142,310.40
94506	Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.	\$2,007,972.38
95185	Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.	\$36,966,452.97
40513	Kaiser Foundation Health Plan, Inc.	\$155,537,695.89

60612	Kaiser Foundation Health Plan, Inc.	\$16,173,112.98
23371	Kaiser Foundation Healthplan of the NW	\$6,553,058.03
71287	Kaiser Foundation Healthplan of the NW	\$15,251,167.48
53789	Keystone Health Plan Central	\$14,500,584.78
97176	Louisiana Health Service & Indemnity Company	\$23,579,282.01
58326	MercyCare HMO, Inc.	\$1,966,338.04
35334	MercyCare Insurance Company	\$690,228.89
11177	MetroPlus Health Plan	\$15,037,085.52
81413	Network Health Plan	\$2,307,460.56
82483	North Shore-LIJ Insurance Company Inc	\$113,132,550.69
20507	Optima Health Plan	\$8,636,390.10
10544	Oscar Health Plan of California	\$4,167,289.22
20069	Oscar Insurance Company of Texas	\$35,085,745.70
74289	Oscar Insurance Corporation	\$107,138,699.40
50221	Oscar Insurance Corporation of New Jersey	\$3,064,840.14
48834	Oxford Health Plans (NJ), Inc.	\$4,561,830.04
10091	PacificSource Health Plans	\$7,045,120.75
23603	PacificSource Health Plans	\$9,853,702.22
60597	PacificSource Health Plans	\$1,205,143.84
65441	PHPS, Inc. (fka Phoenix Health Plans, Inc.)	\$14,356,552.64
50816	Physicians Health Plan of Northern Indiana, Inc.	\$4,482,634.94
58564	Physicians Plus Insurance Corporation	\$464,542.33
26734	Premier Health Plan, Inc.	\$5,682,287.55
57173	Presbyterian Health Plan, Inc.	\$2,801,184.47
52744	Presbyterian Insurance Company, Inc.	\$8,019,908.13
29698	Priority Health	\$26,339,617.56
29241	Priority Health Insurance Company (PHIC)	\$7,075,598.39
37392	Prominence HealthFirst of Texas, Inc.	\$1,572,951.33
56707	Providence Health Plan	\$66,966,568.57
70525	QCA Health Plan, Inc.	\$5,894,850.51
37903	QualChoice Life & Health Insurance Company, Inc.	\$6,742,797.09
80208	Rocky Mountain Health Care Options	\$4,463,039.51
97879	Rocky Mountain HMO	\$14,623,375.96
38166	Security Health Plan of Wisconsin, Inc.	\$27,043,286.85
26002	SelectHealth	\$57,700,877.85
68781	SelectHealth	\$143,988,818.30
26539	SHA, LLC DBA FirstCare Health Plans	\$7,708,618.14
92499	Sharp Health Plan	\$1,282,855.34
52664	Summa Insurance Company, Inc.	\$2,037,988.17
85736	UCare Minnesota	\$10,114,026.06
37873	UnitedHealthcare Benefits Plan of California	\$510,269.44

49650	UnitedHealthcare Insurance Company	\$793,529.41
31779	UnitedHealthcare Insurance Company	\$492,333.25
23489	UnitedHealthcare Insurance Company	\$2,903.41
57860	UnitedHealthcare Insurance Company	\$486,864.50
69443	UnitedHealthcare Insurance Company	\$2,134,105.98
68259	UnitedHealthcare of Alabama, Inc.	\$4,226,662.97
59036	UnitedHealthcare of Colorado, Inc.	\$719,427.07
68398	UnitedHealthcare of Florida, Inc.	\$9,330,450.46
43802	UnitedHealthcare of Georgia, Inc.	\$4,356,433.40
38499	UnitedHealthcare of Louisiana, Inc.	\$200,537.78
97560	UnitedHealthcare of Mississippi, Inc.	\$3,906,592.67
54235	UnitedHealthcare of New York, Inc.	\$4,509,245.86
33931	UnitedHealthcare of Ohio, Inc.	\$3,833,592.57
45480	UnitedHealthcare of Oklahoma, Inc.	\$3,012,668.48
24872	UnitedHealthcare of Pennsylvania, Inc.	\$2,254,922.55
21066	UnitedHealthcare of the Mid-Atlantic Inc	\$53,160.65
38599	UnitedHealthcare of the Mid-Atlantic Inc	\$1,646,134.28
44751	UnitedHealthcare of the Midlands, Inc.	\$6,406,781.24
51902	UnitedHealthcare of the Midlands, Inc.	\$1,351,512.14
16724	UnitedHealthcare of the Midwest, Inc.	\$157,038.37
66413	UnitedHealthcare of Utah, Inc.	\$53,669.11
43861	UnitedHealthcare of Washington, Inc.	\$1,374,207.83
62560	UPMC Health Coverage, Inc.	\$281,136.83
16322	UPMC Health Options, Inc.	\$60,714,960.72
75293	USAble Mutual Insurance Company	\$19,022,135.87
67243	Vantage Health Plan, Inc.	\$8,130,698.29
93689	Western Health Advantage	\$1,695,441.23
30969	ZOOM+Care Health Insurance	\$1,067,230.06
TOTAL		\$1,796,711,630.07