

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

MEDICAL HEALTH INSURING )  
CORPORATION OF OHIO )  
 )  
Plaintiff, )  
 )  
v. ) Case No. 20-1377 C  
 )  
THE UNITED STATES OF AMERICA, ) Judge Elaine D. Kaplan  
 )  
Defendant. )

**STIPULATION FOR ENTRY OF JUDGMENT**

To resolve the claims of Plaintiff Medical Health Insuring Corporation of Ohio (“MHICO”), MHICO and Defendant United States of America (the “United States”) hereby stipulate as follows:

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 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).
3. On October 13, 2020, MHICO filed the Complaint in this Court. ECF No. 1. In the Complaint, MHICO asserts two counts seeking damages under section 1342 of the ACA for benefit years 2014, 2015, and 2016.
4. MHICO and the United States agree that *Maine Community Health Options* entitles

MHICO to payment under section 1342 for benefit years 2014, 2015, and 2016 in the amount of \$21,765,674.91 (the “Stipulated Amount”) and that this payment resolves entirely the Complaint for all counts in which MHICO seeks damages arising under section 1342 of the ACA.

5. MHICO and the United States therefore jointly request that the Court enter judgment in favor of MHICO in the amount of \$21,765,674.91 (risk corridors benefit years 2014, 2015, and 2016) on Count I of the Complaint. MHICO and the United States further request that the Court dismiss Count II of the Complaint (risk corridor claim asserted under separate theory) with prejudice.

6. Upon entry of judgment in the Stipulated Amount, MHICO (HIOS No. 99969) and any and all of MHICO’s affiliated entities, release the United States, its agencies, instrumentalities, officers, agents, employees, and servants, from all claims (including attorney fees, costs, and expenses of every kind and however denominated) that MHICO (HIOS No. 99969) and any and all of MHICO’s affiliated entities, has asserted, could have asserted, or may assert in the future against the United States and its agencies, instrumentalities, officers, agents, employees, and servants, arising under section 1342 of the ACA.

Dated: November 9, 2020

Respectfully submitted,

JEFFREY BOSSERT CLARK  
Acting Assistant Attorney General  
Civil Division

RUTH A. HARVEY  
Director  
Commercial Litigation Branch

KIRK T. MANHARDT  
Deputy Director

/s/ Tiffiney F. Carney  
TIFFINEY F. CARNEY  
United States Department of Justice  
Civil Division, Commercial Litigation Branch  
Telephone: (202) 307-0487  
Fax: (202) 307-0494  
Email: tiffiney.carney@usdoj.gov

*Attorneys for the United States of America*

/s/ Michael E. Smith  
MICHAEL E. SMITH  
FRANTZ WARD LLP  
200 Public Square  
Suite 3000  
Cleveland, Ohio 44113  
Telephone: 216-515-1660  
Fax: 216-515-1650  
msmith@frantzward.com

*Attorneys for Plaintiff Medical Health Insuring  
Corporation of Ohio*