

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

HIGHMARK, INC, *et al.*,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

No. 20-1686 C
Judge Kaplan

JOINT STATUS REPORT

Pursuant to the Court's August 19, 2022 order (ECF No. 34), the parties respectfully submit this joint status report to request that the Court continue the stay in these proceedings, other than for Plaintiffs to file an amended complaint asserting claims for the CSR amounts owed to Plaintiffs for CY 2021 and CY 2021, as permitted by the Court's Order (ECF No. 36) granting Plaintiffs' Unopposed Motion for Partial Lift of Stay.

This case is currently stayed because the Government is working with a number of cost-sharing reduction ("CSR") Plaintiffs to determine whether they may efficiently resolve this and other pending CSR matters without further litigation or at least streamline these cases. The parties to a number of these CSR cases, including this one, have stipulated to entry of partial final judgment as to the CSR amounts owed by the Government for 2017. On August 19, 2022, the Court ordered the parties to file a joint status report on or before September 6, 2022.

The parties believe that the current continued stay in this case will provide more time for the parties to continue their discussions about resolving the damages amounts owed by the Government in the pending CSR cases, including this one, for benefit years

2018 and beyond without further litigation. On April 28, 2022, the Government provided its substantive response to the CSR Plaintiffs' proposed settlement methodology for CSR damages owed for benefit years 2018 and beyond. On May 20, 2022, counsel for the Government and for a number of CSR Plaintiffs, including this case, participated in a teleconference with actuaries to discuss the proposed settlement methodology and to share relevant data. On May 23, 2022, CSR Plaintiffs responded to the Government's April 28, 2022 letter. Thereafter, the parties have convened by phone multiple times, and the Government produced certain settlement-related data and other information to the plaintiffs on July 22, 2022, which the parties hope will continue to advance our settlement discussions. Most recently, the parties participated in a settlement-related call on September 1, 2022. The complexity of the CSR cases and the number of interested stakeholders necessitate that the parties be afforded additional time to pursue this mutual attempt to resolve the damages issues in this case without further litigation. Good cause therefore exists to continue the stay in this case for CSRs due to Plaintiffs for benefit years 2018 and beyond.

Accordingly, the parties jointly request that the Court continue the stay in this case, other than for Plaintiffs' filing of an amended complaint, and the parties will file a Joint Status Report within 45 days to update the Court on the status of their efforts to fully resolve this matter.

September 6, 2022

Respectfully submitted,

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