

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

BLUE CARE NETWORK OF MICHIGAN,
and BLUE CROSS BLUE SHIELD OF
MICHIGAN MUTUAL INSURANCE
COMPANY,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

No. 20-1000

(Judge Davis)

JOINT STATUS REPORT

Pursuant to the Court's November 14, 2022 Order Staying Case and the Court's August 28, 2023 Order setting a status report deadline for today, the parties respectfully submit this Joint Status Report.

This case is currently stayed because the Government is working with a number of CSR plaintiffs to determine whether they may efficiently resolve this matter without further litigation or at least streamline these cases. As stated in the parties' Joint Status Report dated August 1, 2023, counsel for a number of the parties met in person on June 26, 2023, to discuss these remaining offset and mitigation issues and their impact on any potential settlement of the CSR cases. The parties exchanged additional information and met again on July 27, 2023, and August 4, 2023. On August 18, and 23, 2023, the CSR Plaintiffs provided the Government with a written response on certain outstanding settlement issues and proposed a revised settlement methodology incorporating the parties' recent discussions. The parties participated in another settlement negotiation call on August 25 regarding the CSR Plaintiffs' recent correspondence.

In a September 7 letter, the Government responded with a comprehensive account of the issues the parties, in principle, have been able to agree upon and where the Government stands on the remaining issues. This September 7 letter describes terms of a proposed settlement that counsel for the Government would be willing to recommend for approval to their superiors at the Department of Justice and officials at the Department of Health and Human Services. Counsel for the CSR Plaintiffs, however, require time to review the Government's latest proposal, confer with their clients, and respond. Considering that the Government's proposal is comprehensive and has the potential to be a framework for a final agreement, once plaintiffs have the opportunity to review and consider the Government's letter, the parties hope to know whether (and which) plaintiffs are interested in pursuing settlement with the methodology that the parties have crafted. With the Court's permission, the parties will then update the Court with a joint status report no later than September 29, 2023.

Plaintiffs here have expressed a willingness to consider seriously the method, if any, that the Government is able to agree to with the other CSR plaintiffs for resolving or streamlining the CSR cases. To wait for an agreement on a method that can be applied to most or all plaintiffs furthers judicial efficiency. There are currently 26 CSR cases before 14 judges. An agreement on a settlement method would eliminate the confusion that could result from multiple judges adjudicating the same claims differently. This would, in turn, free the Court's resources to devote to other matters. We acknowledge the time this process has taken, but maintain that the time has been necessary to resolve issues with so many stakeholders and such complex accounting issues.

Accordingly, the parties jointly request that the Court continue the stay in this case, and the parties will file a Joint Status Report on or before September 29, 2023, to update the Court on

the status of their efforts to fully resolve this matter.

Respectfully submitted,

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September 8, 2023