

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

HEALTH REPUBLIC INSURANCE  
COMPANY,

Plaintiff,  
on behalf of itself and all others  
similarly situated,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

Case No. 16-259C

Judge Kathryn C. Davis

**PLAINTIFF'S MOTION FOR LEAVE TO DISTRIBUTE FUNDS  
TO COLORADO HEALTH INSURANCE COOPERATIVE, INC.**

On May 15, 2023, the Court entered a Rule 54(b) judgment in favor of Colorado Health Insurance Cooperative, Inc. ("Colorado Health") in the amount of \$110,601,107.74 for risk corridors benefit years 2014 and 2015. Dkt. 200. Currently pending before the Court is Class Counsel's stipulated motion for approval of attorneys' fee request related to Colorado Health. Dkt. 206. Class Counsel requested 5% of the judgment as attorneys' fees. *Id.* ¶ 5. Colorado Health stipulates to the attorneys' fees sought by Class Counsel. *Id.* ¶¶ 5-6.

On August 9, 2023, JND Legal Administration, the claims administrator retained by Class Counsel, received payment for the full amount owed to Colorado Health from the United States Department of Treasury Judgment Fund: \$110,601,107.74. Although Class Counsel's stipulated attorneys' fee motion is still pending, Plaintiff and Class Counsel do not believe that there is any reason to delay distribution of funds to Colorado Health. Specifically, Plaintiff seeks leave for the claims administrator to distribute 95% of the funds paid pursuant to the judgment, while holding the remaining 5% in escrow pending resolution of the fee petition. Specifically, \$105,071,052.36 should be distributed to Colorado Health.

Plaintiff and Class Counsel seek leave of Court to proceed with distributing 95% of these funds now. They believe that is the most efficient and expeditious manner of distributing funds pursuant to the Court's judgment. Class Counsel has conferred with the Government, which indicated that it takes no position on this request.

Dated: August 15, 2023

Respectfully submitted,

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/s/ Adam B. Wolfson

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*Attorneys for the Dispute Subclass*

**CERTIFICATE OF SERVICE**

I certify that on August 15, 2023, a copy of the attached was served via the Court's CM/ECF system on all counsel of record.

*/s/ Adam B. Wolfson*  
Adam B. Wolfson