

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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| MONTANA HEALTH CO-OP, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 19-568C |
| v. |) | |
| |) | Chief Judge Kaplan |
| THE UNITED STATES, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| _____ |) | |

JOINT STATUS REPORT

Pursuant to the Court’s August 2, 2023 order (ECF No. 54), the parties respectfully submit this joint status report to request that the Court continue the stay in these proceedings. 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.

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, 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 today, August 25, regarding the CSR Plaintiffs’ recent correspondence and the Government will review and consider the Plaintiffs’ response and revised settlement methodology proposal and respond to the

CSR Plaintiffs by September 7, and then the parties will update the Court with a joint status report no later than September 29, 2023.

Given the complexity of the interplay between the claims and defenses in the CSR cases, as well as the number of interested stakeholders involved in the ongoing settlement discussions, the parties respectfully believe that it will be productive and efficient to afford the parties limited additional time to pursue this mutual attempt to resolve the damages issues in this case without further litigation. They therefore believe good cause exists to continue the stay in this case for now. 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.

August 25, 2023

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