

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

SENDERO HEALTH PLANS, INC.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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Case No. 17-2048
(Judge Silfen)

JOINT STATUS REPORT AND MOTION TO CONTINUE STAY

Pursuant to the Court's August 28, 2023, Order granting the parties' Motion to Continue Stay, the parties respectfully submit this Joint Status Report.

As stated in the parties' Joint Status Report dated August 25, 2023, counsel for 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.

On September 7, 2023, the Government responded by letter with an 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. Once plaintiffs have the opportunity to review and consider the Government's letter, the parties will discuss what if any issues remain 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

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.

September 8, 2023

/s/

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Respectfully submitted,

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