

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

COMMON GROUND HEALTHCARE
COOPERATIVE,

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

vs.

THE UNITED STATES OF AMERICA,

Defendant.

No. 1:17-cv-00877-KCD
(Judge Davis)

JOINT STATUS REPORT

Pursuant to the Court's September 13, 2023 Order, the parties respectfully submit this Joint Status Report. As stated in the parties' previous joint status report, counsel for the parties have continued to engage in productive settlement negotiations regarding this and other cost-sharing reduction (CSR) cases currently pending before this Court. The parties most recently exchanged letters on September 7 and September 19. In light of those communications, the parties believe that they have reached a tentative agreement in principle on a methodology by which the parties can settle some of these CSR cases. This methodology must, however, be approved by officials at both the Department of Health and Human Services and the Department of Justice. In addition, the parties will need to gather relevant data from plaintiff-insurers from past benefit years in order to calculate whether damages may be owed to a given insurer for a given year. The Centers for Medicare and Medicaid Services is currently preparing a process for plaintiff insurers to submit relevant CSR data, which is a necessary first step for Common Ground and Class Counsel to assess before determining whether to seek preliminary approval of

any settlement for the Class. Once that data is gathered and analyzed, plaintiffs will have the option of participating in the proposed settlement process or continuing instead with litigation.

Both the approval process and data gathering and analysis will take time. We thus respectfully request that the court continue the stay in this case for 60 days, until Tuesday, November 28, 2023, at which time the parties propose updating the Court regarding the status of the settlement process.

DATED: September 29, 2023

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Respectfully submitted,

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