

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

CIGNA HEALTH AND LIFE INSURANCE	)	
COMPANY, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	Case No. 20-546
	)	(Judge Holte)
v.	)	
	)	
THE UNITED STATES,	)	
	)	
Defendant.	)	

**JOINT STATUS REPORT**

Pursuant to the Court's July 18, 2022 order, the parties respectfully submit this joint status report. As stated in the parties' previous joint status report, counsel for a number of cost-sharing reduction (CSR) plaintiffs and the Government believe that they have reached a tentative agreement in principle on a methodology by which the parties can settle some of these CSR cases. Plaintiffs here have expressed a willingness to consider seriously the method that the Government is able to agree to with other CSR plaintiffs for resolving or streamlining the CSR cases.

This methodology, however, must 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. Once that data is gathered and analyzed, plaintiffs will have the option of participating in the proposed settlement process or continuing instead with litigation.

Defendant has shared a draft settlement agreement template with the negotiating plaintiffs on December 1, 2023. Defendant also shared a timeline for Defendant's proposed data gathering and verification process with the negotiating plaintiffs on December 15, 2023. Both the approval process and data gathering and analysis for these CSR cases will, therefore, take additional time to complete. We thus respectfully request that the court continue the stay in this case, and the parties will file a JSR within 60 days, by March 11, 2024, to update the Court on the status of the settlement process.

January 9, 2024

/s/ Howard J. Stanislawski  
Howard J. Stanislawski  
SIDLEY AUSTIN LLP  
1501 K Street NW  
Washington, DC 20005  
(202) 736-8000  
hstanislawski@sidley.com

*Of Counsel:*

Thomas D. Cunningham  
SIDLEY AUSTIN LLP  
One South Dearborn Street  
Chicago, IL 60603  
tcunningham@sidley.com

Tobias S. Loss-Eaton  
SIDLEY AUSTIN LLP  
1501 K Street NW  
Washington, DC 20005  
(202) 736-8000  
tlosseaton@sidley.com

*Counsel for Plaintiffs Cigna Health and Life Insurance Company, Cigna Healthcare of Arizona, Inc., and Cigna Healthcare of Texas, Inc*

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

PATRICIA M. McCARTHY  
Director

s/Claudia Burke  
CLAUDIA BURKE  
Deputy Director

s/ David M. Kerr  
DAVID M. KERR  
Senior Trial Counsel  
Commercial Litigation Branch  
Civil Division  
U.S. Department of Justice  
P.O. Box 480  
Ben Franklin Station  
Washington, DC 20044  
Telephone: (202) 616-3755  
Email: [albert.s.iarossi@usdoj.gov](mailto:albert.s.iarossi@usdoj.gov)

OF COUNSEL:

ALBERT S. IAROSSO  
Assistant Director  
Civil Division  
U.S. Department of Justice

*Counsel for Defendant The United States*