

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

LOCAL INITIATIVE HEALTH  
AUTHORITY FOR LOS ANGELES  
COUNTY, dba L.A. Care Health Plan,

Plaintiff-Appellee,

V.

UNITED STATES,

Defendant-Appellant.

Nos. 20-1393 (L), 20-2254

# JOINT STATUS REPORT

Pursuant to the Court’s November 6, 2023 order, Plaintiff-Appellee Local Initiative Health Authority for Los Angeles County, dba L.A. Care Health Plan, and Defendant-Appellant United States respectfully submit this joint status report to request that the Court continue the stay of this appeal for 60 days as to the Government’s appeal of Plaintiff’s judgments for cost-sharing reduction (“CSR”) claims for benefit years 2018 and 2019.

As the parties reported to the Court in their October 12, 2023 Joint Status Report (ECF No. 47), this case is currently stayed because the Government is working with a number of CSR Plaintiffs to determine whether they may efficiently resolve this and other pending CSR matters without further litigation or at least streamline these cases. The parties to a number of these CSR cases have stipulated to entry of partial final judgment as to the CSR amounts owed by the Government for 2017.

Pursuant to the Court's November 6, 2023 order, the parties respectfully submit this Joint Status Report. Counsel for the parties have reached a tentative agreement in principle on a methodology by which the parties believe some of these CSR cases can be settled, including this

case. This settlement methodology has been reviewed by officials at both the Department of Health and Human Services and the Department of Justice, but the actual settlement of each CSR case applying that methodology must be approved and accepted by Defendant and each participating CSR plaintiff before it can be finally authorized. Defendant is proposing for the plaintiffs' consideration a process to gather and verify certain relevant data to determine and calculate the damages that may be owed to a given CSR plaintiff insurer for a given year pursuant to the agreed-upon methodology. Once the agreed-upon relevant data is gathered and verified, each plaintiff will have the option of participating in the proposed settlement process, subject to the approval process described above, or continuing instead with litigation. The parties also are working to complete a draft form settlement agreement and release to be used by the parties as a template for each case that the parties have agreed to settle.

Defendant has shared a draft settlement agreement template with plaintiffs on December 1, 2023. Defendant also shared a timeline for Defendant's proposed data gathering and verification process with plaintiffs on December 15, 2023. Therefore, the settlement agreement and approval process for these CSR cases will take additional time to complete. We thus respectfully request that the Court continue the stay in this case for 60 days, until Tuesday, March 5, 2024, at which time the parties propose to update the Court regarding the status of the settlement process in this CSR case and others.

Dated: January 5, 2024

s/ Lawrence S. Sher  
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**CERTIFICATE OF COMPLIANCE**

The undersigned hereby certifies that this Joint Status Report complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), it contains 434 words.

*s/ Lawrence S. Sher*

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on January 5, 2024, I caused the foregoing Joint Status Report to be filed with the Clerk for the Court for the United States Court of Appeals for the Federal Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

*s/ Lawrence S. Sher*

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