

IN THE UNITED STATES COURT  
OF FEDERAL CLAIMS

CIGNA HEALTH AND LIFE INSURANCE  
COMPANY, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 1:20-cv-00546-RTH  
(Judge Holte)

**JOINT MOTION FOR LEAVE TO FILE OUT OF TIME**

Pursuant to the Court's July 22, 2022 order (Doc. 34) and Rule 6 of the United States Court of Federal Claims, the parties jointly and respectfully submit this motion for leave to file out of time the attached joint status report regarding the status and next steps in this litigation.

This Court's July 22, 2022 order granted the parties' request for a continued stay of this case and ordered the parties to file a joint status report on or before September 20, 2022 and every 60 days thereafter. The parties did so on September 16, 2022, November 10, 2022, January 13, 2023, March 13, 2023, July 11, 2023, September 11, 2023, November 10, 2023, January 9, 2024, and March 11, 2024, but inadvertently failed to file a joint status report on May 10, 2024. We apologize for the inconvenience this oversight has caused, but assure the Court that we have been working together cooperatively to determine whether this and other cost-sharing reduction (CSR) cases may be efficiently streamlined or perhaps even resolved without further litigation.

The complexity of these CSR cases and the number of interested stakeholders necessitate additional time to pursue this mutual attempt to resolve the damages issues in this case without further litigation. The parties thus respectfully request that the Court grant this motion to file out of time the attached joint status report (Exhibit A hereto), which requests a continued stay and to have the parties file a JSR within 60 days to update the Court on the status of their efforts to fully resolve this matter.

May 29, 2024

Respectfully submitted,

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# EXHIBIT A

**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 continue to progress in their efforts to settle some of the CSR cases currently pending before this Court without litigation. Plaintiffs here have expressed a willingness to consider seriously the method that the Government has agreed to use with other CSR plaintiffs for resolving or streamlining the CSR cases.

The negotiating parties have reached a tentative agreement in principle on a methodology by which the parties believe some of the CSR cases can be settled. This settlement methodology has been preliminarily 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.

A process to gather and verify certain relevant data is underway 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. Plaintiffs will need to provide, and Defendant will

need to review, the CSR information necessary to perform each settlement amount verification. Once the agreed-upon relevant data is gathered and verified, each plaintiff will have the option of participating in the proposed settlement process or continuing instead with litigation. For each plaintiff that participates in the settlement process, the United States will need to obtain final settlement approval from the authorized representative of the Attorney General. The settlement approval process for these CSR cases, therefore, will take some additional time to complete. We thus respectfully request that the Court continue the stay in this case for 60 days, until July 28, 2024.

May 29, 2024

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