

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 May 29, 2024 order, the parties respectfully submit this joint status report to request that the Court continue the stay of this case for 60 days.

As the parties reported to the Court in their May 24, 2024 Joint Status Report, 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. On May 29, 2024, the Court ordered the parties to file a joint status report on or before July 23, 2024, and to provide an expected timeline through the conclusion of settlement.

Pursuant to the Court's May 29, 2024 order, the parties respectfully submit this Joint Status Report. As stated in the parties' previous 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 preliminarily reviewed by officials at both the Department of Health and Human Services and the Department of Justice, and the actual settlement of each CSR case applying that methodology must be approved and accepted by Defendant and each participating CSR plaintiff. A process to gather and reconcile

certain relevant data has been conducted 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.

Regarding the timeline through the conclusion of settlement, Defendant has processed the data and determined a settlement amount in accordance with the methodology the parties have agreed to in principle. At this time Plaintiff is reviewing the settlement amount but anticipates participating in the proposed settlement process. If plaintiff decides to participate in the settlement process, the United States must obtain approval from the authorized representative of the Attorney General, which could take up to two months.

The parties also have completed 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 assuming authorization to settle.

Therefore, the settlement agreement and approval process for these CSR cases is proceeding but will take additional time to complete. We thus respectfully request that the Court continue the stay in this case for 60 days, until Monday, September 23, 2024, at which time the parties propose to update the Court regarding the current status of the settlement process, along with an expected settlement timeline, in this CSR case and others.

July 23, 2024

Respectfully submitted,

/s/ William L. Roberts

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