

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-MMS
(Judge Sweeney)

**PLAINTIFF COMMON GROUND HEALTHCARE COOPERATIVE'S
NOTICE OF LODGING OF CERTIFICATION OF
COST-SHARING REDUCTION CLASS MEMBERSHIP**

Plaintiff Common Ground Healthcare Cooperative (“Common Ground” or “Plaintiff”), on behalf of itself and the Cost-Sharing Reduction Class (the “Class”), hereby lodges a certification of class membership in accordance with the Court’s Order of May 24, 2018 (Dkt. 33). Attached hereto as Exhibit A is a list of each class member that opted into the Class.

The Government objects to the inclusion of UnitedHealthCare of the Mid-Atlantic, Inc. (HIOS ID 38599). *See* Exhibit A, at Line 85. The Government states that according to CMS’s records, this QHP issuer was paid advance CSR payments greater than what it was owed for the 2017 plan year, even in the absence of fourth quarter 2017 CSR payments. The Government further states that, according to CMS’s records, this QHP issuer did not offer CSR-eligible QHPs in 2018, so there would be no additional CSR payments due for 2018 to potentially offset the amount it currently owes CMS for the overpayments. However, according to UnitedHealthCare of the Mid-Atlantic, Inc.’s records, it is owed CSR payments for the 2017 plan year. Plaintiff respectfully requests that UnitedHealthCare of the Mid-Atlantic, Inc. be included as a member of the Class and the amount owed to this QHP issuer should be resolved at the damages stage of this litigation.

The Government does not object to the inclusion of any other Class members listed on Exhibit A.¹ Exhibit B is a collection of the opt-in forms completed by each Class member and submitted to Class counsel. The Risk Corridors Class includes 91 class members.

¹ The Government’s statement of non-objection to the remaining class members is without waiver to objections that may arise in the future based upon new or additional information that comes to the Government’s attention.

Dated: September 12, 2018

Respectfully submitted,

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/s/ Stephen Swedlow _____

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*Attorneys for Plaintiff Common Ground
Healthcare Cooperative and the Class*

CERTIFICATE OF SERVICE

I certify that on September 12, 2018, a copy of the attached Plaintiff Common Ground Healthcare Cooperative's Notice of Lodging of List of Cost-Sharing Reduction Class Members was served via the Court's CM/ECF system on Defendant's counsel Marc S. Sacks.

/s/ Stephen Swedlow
Stephen Swedlow