

# In the United States Court of Federal Claims

No. 17-877C  
(Filed: April 24, 2019)

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COMMON GROUND HEALTHCARE \*  
COOPERATIVE, \*  
\*  
Plaintiff, \*  
\*  
v. \*  
\*  
THE UNITED STATES, \*  
\*  
Defendant. \*  
\*\*\*\*\*

## ORDER

On April 10, 2019, plaintiff in the above-captioned case filed a motion in which it “requests that the Court enter an Order requiring the Government to grant an extension to June 7, 2019 to submit [cost-sharing reduction (“CSR”)] claims data to any member of the CSR Class who requests one,” which “would effectively provide members of the CSR Class 64 days to complete the data submission process (four days more than were provided last year) to account for the fact that detailed information about the process was provided to [insurers] later than in previous years.” Mot. 1. Defendant filed a response in opposition on April 15, 2019, and plaintiff filed a reply on April 19, 2019.

For the 2018 benefit year, the government established a claim reconciliation process that includes two claim submission windows: class members can submit claims from April 4 to May 3, 2019, and nonlitigants can submit their claims from May 6 to May 31, 2019. The early submission window for class members was established to allow for an expedited process that could result in a judgment for the class by June 2019. However, as plaintiff notes, insurers could not have anticipated that this litigation would result in the opening of a claim submission window for 2018 until mid-February 2019, and therefore had less time to prepare their claims for submission than they had in prior years. Thus, when informed that the submission window for class members would open in early April and close in early May, some class members determined that they would have insufficient time to submit their claims. Defendant has represented to plaintiff and the court that the government will grant the request of any class member who requires an extension of time to file its claim, but that the claim must be filed by the final day of the nonlitigants’ submission window, i.e., May 31, 2019.

In light of defendant’s representation that all class members who request additional time to submit their claims will receive an extension until May 31, 2019, the court **DENIES** plaintiff’s motion. The court recognizes that the class members will have less time to submit

their claims than they had in prior years. However, it is unclear how many class members would be unable to submit their claims by an extended deadline of May 31, 2019. Moreover, plaintiff acknowledges that “in prior years, [the government] has in some cases granted individual extensions to [insurers] to submit data weeks or months after the close of the online submission window.” Reply 6. Thus, there is reason to believe that if a class member is unable to meet an extended deadline of May 31, 2019, the government may afford it the opportunity to submit its claim on a later date. If a class member is unable to meet an extended May 31, 2019 deadline and the government refuses to provide the class member with a reasonable extension of time, plaintiff may refile its motion.<sup>1</sup>

**IT IS SO ORDERED.**

s/ Margaret M. Sweeney  
MARGARET M. SWEENEY  
Chief Judge

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<sup>1</sup> In its reply, plaintiff requests, in the alternative, that the court issue a final judgment for the 2018 benefit year based on the monthly advance payments received by the class members. The court previously denied this request in a March 25, 2019 order, and declines to revisit that ruling.