

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

)	
MAINE COMMUNITY HEALTH OPTIONS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 17-2057C
)	Chief Judge Margaret M. Sweeney
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	
)	

PLAINTIFF’S PRO FORMA MOTION FOR SUMMARY JUDGMENT

In accordance with this Court’s Orders dated March 7, 2019 and April 4, 2019 (ECF Nos. 28 and 30), Plaintiff Maine Community Health Options (“Health Options”) respectfully submits this pro forma Motion for Summary Judgment. For the reasons stated below, Health Options respectfully requests that the Court enter a final judgment with respect to Health Options’ claim for Cost Sharing Reduction (“CSR”) payments for benefit years 2017 and 2018.

Health Options hereby adopts all of the arguments it previously advanced with respect to its request for benefit year 2017 CSR payment that the Government failed to pay. Health Options also adopts all of the arguments regarding benefit year 2018 raised by Common Ground Healthcare Cooperative and Community Health Choice, Inc. in their respective briefs¹ and at the joint oral argument held on February 14, 2019. In those two cases, this Court found that plaintiffs are entitled to recover unpaid CSR payment for benefit year 2018, in addition to benefit year 2017. *Common Ground Healthcare Coop. v. United States*, 142 Fed. Cl. 38, 52 (2019);

¹ *Common Ground Healthcare Coop. v. United States*, No. 17-877C (Sweeney, C.J.) (class action), ECF Nos. 36, 40; *Community Health Choice, Inc. v. United States*, No. 18-5C (Sweeney, C.J.), ECF Nos. 15, 20.

Community Health Choice, Inc. v. United States, 141 Fed. Cl. 744, 764 (2019), *appeal docketed*, No. 19-1633 (Fed. Cir. Mar. 8, 2019).

As the legal issues regarding the Government's obligation and failure to make the benefit year 2018 CSR payment to Health Options are identical in relevant respects to the legal issues regarding the Government's obligation and failure to make the benefit year 2017 CSR payment to Health Options, and because, in *Common Ground Healthcare Coop* and *Community Health Choice, Inc.*, this Court has already addressed the Government's liability for 2018, whether the Government is liable also *to Health Options* for non-payment of CSR payment for benefit year 2018 has effectively been briefed to, and resolved by, this Court. As such, this Court is in a position to issue a final judgment on Health Options' claim for CSR payments for both benefit years 2017 and 2018, and Health Options respectfully requests that the Court do so.

Dated: April 8, 2019

Respectfully submitted,

/s/ Stephen McBrady
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