

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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

JOINT STATUS REPORT

Pursuant to the Court’s March 7, 2019 Order, ECF No. 28 (the “Order”), Plaintiff, Maine Community Health Options (“Health Options”), and Defendant, the United States, respectfully submit this joint status report regarding quantum.

On May 31, 2019, Health Options received from CMS, through its EDGE server database, confirmation of the reconciled cost-sharing reduction (“CSR”) payment amounts calculated for Health Options for 2017 and 2018—\$846,493.02 and \$18,384,382.25, respectively.¹

Pursuant to the Order, the parties hereby respectfully request that the court issue a decision regarding Health Options’ request for 2018 CSR payments. To the extent the Court intends to direct the entry of judgment in Plaintiff’s favor for 2017 and 2018 CSR payments, as indicated in the Order, the parties agree that the amounts indicated above reflect the amounts that should be entered. However, the Government does so without waiving its right to appeal such a judgment, and without waiving its argument that Plaintiff’s ability to raise premiums to recover

¹ These numbers are final, as Health Options will not be pursuing additional reconciliation through the discrepancy process under 45 C.F.R. § 156.430(h)(1).

CSR costs through Government-paid premium tax credits should preclude a claim for 2018 CSR costs.

June 7, 2019

OF COUNSEL:
Daniel Wolff
Xavier Baker
Skye Mathieson
Charles Baek
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004

OF COUNSEL:
ALBERT S. IAROSSO
ERIC E. LAUFGRABEN
VERONICA N. ONYEMA
Trial Attorneys
Civil Division
U.S. Department of Justice

Respectfully submitted,

s/ Stephen J. McBrady
Stephen J. McBrady
CROWELL & MORING LLP

1001 Pennsylvania Avenue, NW
Washington, DC 20004
Tel: (202) 624-2500
Fax: (202) 628-5116
SMcBrady@crowell.com

*Counsel for Maine Community
Health Options*

JOSEPH H. HUNT
Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.
Director

s/ Claudia Burke
CLAUDIA BURKE
Assistant Director

s/ Christopher J. Carney
CHRISTOPHER J. CARNEY
Senior Litigation Counsel
Commercial Litigation Branch
Civil Division
U.S. Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, DC 20044
Telephone: (202) 305-7597
Facsimile: (202) 307-2503
Email: Chris.Carney@usdoj.gov

Attorneys for Defendant