

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

PREMERA BLUE CROSS, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	No. 17-1155C
	)	
v.	)	
	)	Judge Griggsby
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	
_____	)	

STIPULATION FOR ENTRY OF JUDGMENT

To resolve the risk corridors claims of Plaintiffs, Premera Blue Cross, LifeWise Health Plan of Washington and LifeWise Health Plan of Oregon (collectively, “Premera”), and to permit the entry of final judgment on those claims, it is stipulated between the Parties:

1. Section 1342 (42 U.S.C. § 18062) of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148 (2010), 124 Stat. 119 *et seq.* (the “ACA”), created the risk corridors program.
2. On August 25, 2017, Premera filed the Complaint in this Court seeking damages under section 1342 of the ACA.
3. On July 11, 2019, the Court entered an order that stayed this case. ECF No. 22.
4. On April 27, 2020, the Supreme Court held that section 1342 “created an obligation neither contingent on nor limited by the availability of appropriations or other funds,” that the obligation was not affected by subsequently-enacted legislation, and that the “petitioners may seek to collect payment through a damages action in the Court of Federal Claims.” *Maine Community Health Options v. United States*, 140 S. Ct. 1308, 1323, 1331 (2020).
5. On May 20, 2020, Premera filed the First Amended Complaint. ECF No. 23. The First Amended Complaint asserts five counts, each raising a separate theory for damages arising

under section 1342 of the ACA. Plaintiff Premera Blue Cross offered health insurance coverage through certified qualified health plans in both Alaska and Washington. Premera Blue Cross offered health plans in Alaska as “Premera Blue Cross Blue Shield of Alaska” (HIOS No. 38344) and offered health plans in Washington as Premera Blue Cross (HIOS No. 49831). In addition, Premera Blue Cross offered health plans in Oregon and Washington through wholly owned indirect subsidiaries, LifeWise Health Plan of Oregon (HIOS No. 85804) and LifeWise Health Plan of Washington (HIOS No. 38498), respectively.

6. The Parties agree that *Maine Community Health Options* entitles Premera Blue Cross, Premera Blue Cross Blue Shield of Alaska, LifeWise Health Plan of Washington, and LifeWise Health Plan of Oregon to payments under section 1342 for benefit years 2014, 2015, and 2016 totaling \$116,110,362.35 (the “Stipulated Amount”) and that this payment resolves entirely the First Amended Complaint for all counts seeking damages arising under section 1342 of the ACA.

7. Accordingly, the Parties jointly request that the Court enter judgment in favor of Premera for the Stipulated Amount as follows: Premera Blue Cross in the amount of \$42,764,728.44 on Count I of the First Amended Complaint (risk corridors benefit years 2014, 2015, and 2016), and in favor of Premera Blue Cross Blue Shield of Alaska in the amount of \$15,063,573.52 on Count I of the First Amended Complaint (risk corridors benefit years 2014, 2015, and 2016), and in favor of LifeWise Health Plan of Washington in the amount of \$14,259,903.72 on Count I of the First Amended Complaint (risk corridors benefit years 2014, 2015, and 2016), and in favor of LifeWise Health Plan of Oregon in the amount of \$44,022,156.67 on Count I of the First Amended Complaint (risk corridors benefit years 2014, 2015, and 2016).

8. The Parties further request that the Court dismiss Counts II, III, IV, and V of the

First Amended Complaint with prejudice.

9. Upon entry of judgment in the Stipulated Amount, Premera Blue Cross (HIOS No. 49831), Premera Blue Cross of Alaska (HIOS No. 38344), LifeWise Health Plan of Washington (HIOS No. 38498), and LifeWise Health Plan of Oregon (HIOS No. 85804), and any and all of Premera's affiliated entities, release the United States, its agencies, instrumentalities, officers, agents, employees, and servants, from all claims (including attorney fees, costs, and expenses of every kind and however denominated) that Premera Blue Cross (HIOS No. 49831), Premera Blue Cross of Alaska (HIOS No. 38344), LifeWise Health Plan of Washington (HIOS No. 38498), and LifeWise Health Plan of Oregon (HIOS No. 85804), and any and all of Premera's affiliated entities, has asserted, could have asserted, or may assert in the future against the United States, its agencies, instrumentalities, officers, agents, employees, and servants, arising under or related to Section 1342 of the ACA.

Dated: June 26, 2020

Respectfully submitted,

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