

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

SCOTT AND WHITE HEALTH PLAN)	
and INSURANCE COMPANY OF SCOTT)	
AND WHITE,)	
)	
Plaintiffs,)	No. 17-1850C
)	
v.)	
)	Senior Judge Coster Williams
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	
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STIPULATION FOR ENTRY OF JUDGMENT

To resolve the risk corridors claims of Plaintiffs, Scott and White Health Plan (“SWHP”) and Insurance Company of Scott and White (“ICSW”), 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 November 29, 2017, SWHP and ICSW filed the Complaint in this Court seeking damages under section 1342 of the ACA.
3. On June 20, 2018, the Court entered an order that stayed this case. ECF No. 11.
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. The Parties agree that *Maine Community Health Options* entitles SWHP and ICSW to payments under section 1342 for benefit years 2014, 2015, and 2016 totaling \$123,361,294.25 (the “Stipulated Amount”) and that this payment resolves entirely the Complaint for all counts seeking damages arising under section 1342 of the ACA.

6. Accordingly, the Parties jointly request that the Court enter judgment in favor of SWHP in the amount of \$47,932,261.22 on Count I of the Complaint (risk corridors benefit years 2014, 2015, and 2016), and in favor of ICSW in the amount of \$75,429,033.03 on Count I of the Complaint (risk corridors benefit year 2016).

7. The Parties further request that the Court dismiss Count II of the Complaint with prejudice.

8. SWHP (HIOS Number 40788) and ICSW (HIOS Number 37755) hereby acknowledge, represent, and agree that the payment in full of the judgment contemplated by Paragraph 6 above constitutes full satisfaction of any and all claims (including attorney fees, costs, and expenses of every kind and however denominated) that SWHP and ICSW have for risk corridors payments under Section 1342 of the ACA and that, upon satisfaction of such judgment by the United States, SWHP and ICSW shall be deemed to have released any other claims (including attorney fees, costs, and expenses of every kind and however denominated) that either or both of them have for risk corridors payments under Section 1342 of the ACA against the United States, its agencies, instrumentalities, officers, agents, employees, and servants. Nothing in this Paragraph 8, however, shall ever be construed as releasing, satisfying, or modifying in any respect the judgment contemplated by Paragraph 6 above.

Dated: June 26, 2020

Respectfully submitted,

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