

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

|                            |   |                     |
|----------------------------|---|---------------------|
| AFFINITY HEALTH PLAN, INC. | ) |                     |
|                            | ) |                     |
| Plaintiff,                 | ) | No. 18-110C         |
|                            | ) |                     |
| v.                         | ) | <b>Judge Kaplan</b> |
|                            | ) |                     |
| THE UNITED STATES,         | ) |                     |
|                            | ) |                     |
| Defendant.                 | ) |                     |
|                            | ) |                     |
|                            | ) |                     |
|                            | ) |                     |

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**STIPULATION FOR ENTRY OF JUDGMENT**

To resolve the risk corridors claims of Plaintiff Affinity Health Plan, Inc. (“Affinity”), 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 January 23, 2018, Affinity filed the Complaint in this Court seeking damages under section 1342 of the ACA.
3. On June 27, 2018, the Court entered an order that stayed this case. ECF No. 8.
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 Affinity to payment under section 1342 for benefit years 2014, 2015, and 2016 in the amount of \$21,716,884.57 (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 Affinity in the amount of \$21,716,884.57 on Count I of the Complaint (risk corridors benefit years 2014, 2015, and 2016).

7. The Parties further request that the Court dismiss Counts II and III of the Complaint with prejudice.

8. Upon entry of judgment in the Stipulated Amount, Affinity (HIOS Number 57165), and any and all of Affinity’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 Affinity (HIOS Number 57165) and any and all of Affinity’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 29, 2020

Respectfully submitted,

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*Attorney for Plaintiff Affinity Health Plan,  
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**CERTIFICATE OF SERVICE**

I certify that on June 29, 2020, a copy of the foregoing was served via the Court's CM/ECF system on all counsel of record.

*/s/ William L. Robert*

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William L. Roberts