

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

ALLIANT HEALTH PLANS, INC.)	
)	
)	
Plaintiff,)	
)	
v.)	No. 16-1491 C
)	Judge Damich
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	
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STIPULATION FOR ENTRY OF JUDGMENT

To resolve the risk corridors claims of Plaintiff Alliant Health Plans, Inc. (“Alliant”), 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 14, 2016, Alliant filed the Complaint in this Court seeking damages under section 1342 of the ACA for benefit years 2014 and 2015. The Complaint asserts three counts, each raising a separate theory for damages arising under section 1342 of the ACA.
3. On July 2, 2019 the Court entered an order that stayed this case.
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 July 9, 2020, Alliant filed the Amended Complaint in this Court adding a claim for damages under section 1342 of the ACA for benefit year 2016.

6. The Parties agree that *Maine Community Health Options* entitles Alliant to payment under section 1342 for benefit years 2014, 2015 and 2016 in the amount of \$15,265,443.02 (the “Stipulated Amount”) and that this payment resolves entirely the 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 Alliant in the amount of \$15,265,443.02 on Count I of the Amended Complaint (risk corridors benefit years 2014, 2015, and 2016).

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

9. Upon entry of judgment in the Stipulated Amount, Alliant Health Plans, Inc. (HIOS No. 83761) and any and all of the named Plaintiff’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 Alliant Health Plans, Inc. (HIOS No. 83761) and any and all of the named Plaintiff’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: July 9, 2020

Respectfully submitted,

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¹ The Acting Assistant Attorney General is recused from this matter.

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