

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

COMMON GROUND HEALTHCARE
COOPERATIVE,

Plaintiff,
on behalf of itself and all others
similarly situated,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

Case No. 17-877C

Judge Sweeney

JOINT STATUS REPORT

Pursuant to the Court’s July 13, 2020 order (Dkt. 100), Plaintiff Common Ground Healthcare Cooperative and Defendant United States of America submit this joint status report. As stated in the July 10, 2020 joint status report (Dkt. 99), the Parties disagree about whether the United States shall recover Affordable Care Act (“ACA”)-related debts owed by one member of the class, Freelancers CO-OP of New Jersey, Inc. (the “Dispute Subclass”). In order to raise this issue for the Court’s consideration, the United States intends to file an answer to the complaint and to assert counterclaims for the ACA-related debts against the Dispute Subclass.¹

The Dispute Subclass asserts that any such offset judgment for other ACA amounts in dispute is legally impermissible and, in any event, has been waived by the government for

¹ The United States requests that the deadline for its answer be set on the same date as the potential deadline for its amended answer in *Health Republic Insurance Company v. United States*, No. 16-259C. In the event the Court does not grant the United States leave to file an amended answer in *Health Republic*, the United States requests 28 days after denial of the United States’ motion in *Health Republic* to file an answer. Plaintiff believes that there is no reason to wait for the resolution of the government’s motion for leave to amend in *Health Republic*. Plaintiff requests that the Court require the government to file an answer within 21 days of the date of this joint status report.

purposes of this action because it was not raised until the eve of judgment during the three year pendency of this litigation, including during class certification. The Dispute Subclass intends to file a motion to strike the government's counterclaim within 10 days of the filing of the Answer. The government will file an opposition with 10 days of the filing of the motion to strike. The Dispute Subclass may file a reply within seven days after the opposition.

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Respectfully submitted,

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