

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

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HARVARD PILGRIM HEALTH CARE, INC., )	
HPHC INSURANCE COMPANY, INC., AND )	
HARVARD PILGRIM HEALTH CARE OF )	
NEW ENGLAND, INC., )	
)	Case No. 18-1820C
Plaintiffs, )	
)	Judge Loren Smith
v. )	
)	
THE UNITED STATES OF AMERICA, )	
)	
Defendant. )	
_____ )	

**UNOPPOSED MOTION FOR LEAVE TO AMEND COMPLAINT**

Pursuant to RCFC 15, Harvard Pilgrim Health Care, Inc. (“HPHC Inc.”), Harvard Pilgrim Health Care of New England, Inc. (“HPHC NE”), and HPHC Insurance Company, Inc. (“HPIC”) (collectively, “Plaintiffs” or “Harvard Pilgrim”) hereby move to seek this Court’s leave to amend its Amended Complaint to update the damages for benefit year 2018, and file the attached Second Amended Complaint.

Plaintiffs’ Amended Complaint currently seeks damages for the Government’s failure to make cost-sharing reduction (“CSR”) payments for benefit years 2017 and 2018. Plaintiffs seek this Court’s leave to amend its Amended Complaint to update its damages related to unpaid CSR payments for benefit year 2018, as previously indicated in footnote 10 of the Amended Complaint. The usual rule is that leave to amend should be liberally granted and, here, allowing Plaintiffs to amend the Amended Complaint would conserve judicial resources while not prejudicing the Government. It would be more efficient for Plaintiffs to file the Second Amended Complaint in this docket rather than file a new complaint and tax additional court

resources. Meanwhile, the Government would not be prejudiced, as the case is currently stayed, and the parties have not yet briefed on the merits.

For the foregoing reasons, Plaintiffs respectfully request that this Court grant this motion, and allow Plaintiffs to file the attached Second Amended Complaint. Prior to filing this motion, counsel of record for Plaintiffs contacted the counsel of record for the Government for the Government's position on Plaintiffs seeking leave to amend. The Government does not oppose this motion. The parties recognize that this case has been stayed, and as such, understand that the Government's obligation to file a responsive pleading to the Second Amended Complaint is similarly stayed.

July 28, 2020

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