

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

	)	
<b>HEALTH ALLIANCE MEDICAL PLANS,</b>	)	
<b>INC.,</b>	)	
	)	<b>No. 17-653C</b>
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>Judge Patricia E. Campbell-</b>
	)	<b>Smith</b>
<b>THE UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Defendant.</b>	)	

**STIPULATION FOR ENTRY OF JUDGMENT AND DISMISSAL**

To resolve the risk corridors claims of Plaintiff Health Alliance Medical Plans, Inc., on behalf of itself and its subsidiary Health Alliance-Midwest, Inc., (“Health Alliance” or “Plaintiff”), 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 May 18, 2017, Health Alliance filed the Complaint in this Court seeking damages under section 1342 of the ACA for benefit years 2014 and 2015. The Complaint asserts two counts, each raising a separate theory for damages arising under section 1342 of the ACA.

3. On July 17, 2017, the Court entered an order that stayed this case. ECF No. 14.

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 Health Alliance to payment under section 1342 for benefit years 2014 and 2015 in the total amount of \$11,107,194.90 (the “Stipulated Amount”), on behalf of itself and its subsidiaries, 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 Health Alliance in the amount of \$11,107,194.90 on Count I of the Complaint.

7. Upon the Court’s entry of judgment as requested above, the Parties further request that the Court dismiss Count II of the Complaint with prejudice.

8. Upon entry of judgment and receipt of full payment by Health Alliance of the Stipulated Amount, Health Alliance (HIOS No. 20129) and Health Alliance-Midwest, Inc. (HIOS No. 77931), and any and all of Health Alliance’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 Health Alliance (HIOS No. 20129) and Health Alliance-Midwest, Inc. (HIOS No. 77931), and any and all of Health Alliance’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 Section 1342 of the ACA.

Dated: June 30, 2020

OF COUNSEL:  
Jim Regan  
Daniel Wolff

Respectfully Submitted,

/s/ Stephen McBrady  
Stephen McBrady

CROWELL & MORING LLP

Skye Mathieson  
Charles Baek

CROWELL & MORING LLP  
1001 Pennsylvania Avenue, NW  
Washington, DC 20004

*Counsel for Plaintiffs*

1001 Pennsylvania Avenue, NW  
Washington, DC 20004  
Tel: (202) 624-2500  
Fax: (202) 628-5116  
SMcBrady@crowell.com

JOSEPH H. HUNT  
Assistant Attorney General

RUTH A. HARVEY  
Director  
Commercial Litigation Branch

KIRK T. MANHARDT  
Deputy Director

/s/ Shane Huang  
PHILLIP M. SELIGMAN  
MARC S. SACKS  
FRANCES M. MCLAUGHLIN  
L. MISHA PREHEIM  
TERRANCE A. MEBANE  
SHANE HUANG  
Commercial Litigation Branch  
Civil Division  
United States Department of Justice  
P.O. Box 875  
Ben Franklin Station  
Washington D.C. 20044  
Tel. (202) 616-0341  
Fax (202) 514-9163  
shane.huang@usdoj.gov

ATTORNEYS FOR THE UNITED  
STATES