

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

|   |   |                           |
|---|---|---------------------------|
| <b>NEW MEXICO HEALTH CONNECTIONS,</b>       | ) |                           |
| <b>A New Mexico Non-Profit Corporation,</b> | ) |                           |
|   | ) |                           |
| <b>Plaintiff,</b>                           | ) | <b>No. 16-1199C</b>       |
|   | ) |                           |
| <b>v.</b>                                   | ) |                           |
|   | ) | <b>Senior Judge Smith</b> |
| <b>THE UNITED STATES OF AMERICA,</b>        | ) |                           |
|   | ) |                           |
| <b>Defendant.</b>                           | ) |                           |
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**STIPULATION FOR ENTRY OF JUDGMENT**

To resolve the risk corridors claims of Plaintiff New Mexico Health Connections (“NMHC”), 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 September 26, 2016, NMHC 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. 17.
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 June 12, 2020, NMHC filed the First Amended Complaint. ECF No. 20. The First Amended Complaint asserts one count for damages arising under section 1342 of the ACA.

6. The Parties agree that *Maine Community Health Options* entitles NMHC to payment under section 1342 for benefit years 2014, 2015, and 2016 in the amount of \$45,928,996.67 (the “Stipulated Amount”) and that this payment resolves entirely the First Amended Complaint seeking damages arising under section 1342 of the ACA.

7. Accordingly, the Parties jointly request that the Court enter judgment in favor of NMHC in the amount of \$45,928,996.67 on Count I of the First Amended Complaint (risk corridors benefit years 2014, 2015, and 2016).

8. Upon entry of judgment in the Stipulated Amount, NMHC (HIOS No. 93091), and any and all of NMHC’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 NMHC (HIOS No. 93091) and any and all of NMHC’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 30, 2020

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Respectfully submitted:

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