

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

_____)	
MVP HEALTH PLAN, INC.,)	
)	
Plaintiff,)	No. 20-757 C
v.)	
)	Chief Judge Margaret M. Sweeney
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	
_____)	

STIPULATION FOR ENTRY OF JUDGMENT

To resolve the risk corridors claims of Plaintiff MVP Health Plan, Inc. (“MVP”), 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 June 23, 2020, MVP filed the Complaint in this Court seeking damages under section 1342 of the ACA.

3. 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).

4. The Complaint asserts three counts, each raising a separate theory for damages arising under section 1342 of the ACA.

5. The Parties agree that *Maine Community Health Options* entitles MVP to payment under section 1342 for benefit years 2014, 2015, and 2016 in the amount of \$10,807,749.98 (the “Stipulated Amount”) 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 MVP in the amount of \$10,807,749.98 on Count I of the Complaint (risk corridors benefit years 2014, 2015, and 2016).

7. The Parties further request that, upon entry of judgment, the Court dismiss Count II and Count III of the Complaint with prejudice.

8. Upon entry of final judgment and receipt of full payment by MVP in the Stipulated Amount, MVP (HIOS Nos. 56184 and 77566), and any and all of MVP’s affiliated entities, release the United States, its agencies, instrumentalities, officers, agents, employees, and servants, from all claims (including attorneys’ fees, costs, and expenses of every kind and however denominated) that MVP (HIOS Nos. 56184 and 77566) and any and all of MVP’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: August 12, 2020

Respectfully Submitted:

/s/Michael J. Schaengold

Michael J. Schaengold
Melissa P. Prusock
Greenberg Traurig, LLP
2101 L Street, NW, Suite 1000
Washington, DC 20037
(202) 331-3146
(202) 261-0186 (fax)
schaengoldm@gtlaw.com
prusockm@gtlaw.com

Counsel for Plaintiff MVP Health Plan, Inc.

MICHAEL D. GRANSTON
Deputy Assistant Attorney General¹

RUTH A. HARVEY
Director
Commercial Litigation Branch

KIRK T. MANHARDT
Deputy Director

/s/Shane Huang

SHANE HUANG
MARC S. SACKS
FRANCES M. MCLAUGHLIN
PHILLIP M. SELIGMAN
TERRANCE A. MEBANE
CHRISTOPHER K. VANDEUSEN
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

¹ Acting Assistant Attorney General Ethan P. Davis is recused from this matter.