

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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HEALTH NEW ENGLAND, INC.,)	
)	
	Plaintiff,)	No. 20-924C
v.)	
)	Senior Judge Loren A.
THE UNITED STATES,)	Smith
)	
	Defendant.)	
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STIPULATION FOR ENTRY OF JUDGMENT

To finally resolve the risk corridors claims of Plaintiff Health New England, Inc. (“HNE”) against Defendant The United States (“the United States”), and to permit the entry of final judgment on those claims, it is stipulated between HNE and the United States (collectively, the “Parties”):

1. The Patient Protection and Affordable Care Act, Pub. L. No. 111-148 (2010), 124 Stat. 119 *et seq.* (the “ACA”), specifically section 1342 (42 U.S.C. § 18062), created the risk corridors program.

2. On April 27, 2020, the Supreme Court of the United States 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).

3. On July 29, 2020, HNE filed the Complaint in this action (ECF No. 1) seeking damages under section 1342 of the ACA. The Complaint asserts two counts, each seeking risk corridors damages under section 1342.

4. The Parties agree that the Supreme Court's decision in *Maine Community Health Options* entitles HNE to payment from the United States under section 1342 of the ACA in the amount of \$2,414,490.13 for benefit year 2016 (the "Stipulated Amount").

5. Accordingly, the Parties jointly request that the Court enter final judgment in favor of HNE in the amount of \$2,414,490.13 on Count I of the Complaint.

6. The Parties further request that, upon the Court's entry of judgment as requested above, the Court dismiss Count II of the Complaint with prejudice.

7. Upon entry of final judgment in the Stipulated Amount, HNE (HIOS No. 34484), and any and all of its 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 HNE 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: September 25, 2020

Respectfully Submitted:

/s/ Jodi K. Miller

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