

In the United States Court of Federal Claims

No. 18-491C

(Filed: October 23, 2020)

BLUE CROSS AND BLUE SHIELD
OF NEBRASKA,

And

HAWAI'I MEDICAL SERVICE ASSOCIATION,

Plaintiffs, on behalf of themselves
And all others similarly situated,

v.

THE UNITED STATES,

Defendant.

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ORDER

Pursuant to the Stipulation for Entry of Final Judgment, the Court **ACCEPTS** the following:

Blue Cross and Blue Shield of Nebraska (“BCBS-NE”), and the United States agree that *Maine Community Health Options* entitles BCBS-NE to payment under section 1342 for benefit years 2014, 2015, and 2016 in the amount of \$62,951,659.55 (the “Stipulated Amount”) and that this payment resolves entirely the Complaint for all counts in which BCBS-NE seeks damages arising under section 1342 of the ACA. Accordingly, the BCBS-NE is awarded \$62,951,659.55 (risk corridors benefit years 2014, 2015, and 2016 on Count I of the Complaint. As to BCBS-NE the Court further dismisses Count II of the Complaint (risk corridor claim asserted under separate theory) *with* prejudice and Count III of the Complaint (risk adjustment claim asserted under section 1343 of the ACA) *with* prejudice (but without prejudice to any rights, claims, or causes of action BCBS-NE has if CMS fails to make at least 94% of the Risk Adjustment Payment by October 1, 2021).

Upon entry of judgment in the Stipulated Amount, BCBS-NE (HIOS No. 29678) and any and all of BCBS-NE’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 and any and all of BCBS-NE (HIOS No. 29678) 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.

The Clerk is directed to enter judgment for BCBS-NE in the amount of \$62,951,659.55 on Count I of the complaint, dismiss Count II of the complaint with prejudice and dismiss Count III of the complaint, with prejudice (but without prejudice to any rights, claims, or causes of action BCBS-NE has if CMS fails to make at least 94% of the Risk Adjustment Payment by October 1, 2021) as to BCBS-NE.

IT IS SO ORDERED.

s/ Edward J. Damich
EDWARD J. DAMICH
Senior Judge