

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

BLUE CROSS & BLUE SHIELD)	
OF VERMONT,)	
Plaintiff,)	
)	
v.)	Case No. 1:18-CV-00373-MBH
)	
UNITED STATES OF AMERICA,)	
Defendant.)	

JOINT MOTION TO ENTER STIPULATED FINAL JUDGMENT

In this case, plaintiff Blue Cross & Blue Shield of Vermont (BCBSVT) seeks to recover unpaid cost-sharing reduction payments, known as CSR payments, for benefit years 2017 and 2018. For the reasons set forth below, the parties jointly request this Court to enter judgment under Rule 58 of the Rules of the Court of Federal Claims in favor of BCBSVT in the amount of \$7,203,738.83, as reflected in the accompanying proposed final judgment. Entry of final judgment is without prejudice to the Government’s right to appeal.

Based on facts specific to BCBSVT, the parties stipulate as follows:

1. As determined by the Centers for Medicare & Medicaid Services, the combined total amount of unpaid CSR payments due and owing from the Government to BCBSVT for benefit years 2017 and 2018 is \$7,203,738.83.

2. Given the Federal Circuit’s August 14 rulings in *Sanford Health Plan v. United States*, No. 2019-1290, 2020 WL 4723703 (Fed. Cir. Aug. 14, 2020) and *Community Health Choice, Inc. v. United States*, No. 2019-1633, 2020 WL 4723757

(Fed. Cir. Aug. 14, 2020), and given that BCBSVT did not silver-load, or otherwise obtain additional premium tax credits to offset the unpaid CSR payments for benefit years 2017 or 2018, the parties agree that it is appropriate at this time for this Court to enter final judgment in favor of BCBSVT in the amount of \$7,203,738.83 (the Stipulated Amount).

3. BCBSVT requests an award of costs pursuant to Rule 54(d).

4. Neither party requests an award of attorney fees.

5. The entry of final judgment by this Court shall not prejudice the Government's right to appeal that judgment.

6. The entry of final judgment by this Court shall not prejudice either party's right to litigate future claims that may exist or arise from the Government's failure to make payments under Section 1402 of the ACA, including for benefit years 2019 and 2020.

Accordingly, the parties jointly request that this Court enter final judgment in the Stipulated Amount and consistent with these stipulations. A proposed final judgment is attached to this filing.

Dated: October 2, 2020

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Respectfully submitted,

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UNITED STATES OF AMERICA,)	
Defendant.)	

[PROPOSED] FINAL JUDGMENT

Based on the Joint Motion to Enter Stipulated Final Judgment submitted by the parties on October 2, 2020, and pursuant to Rule 58 of the Rules of the Court of Federal Claims, final judgment is hereby awarded to plaintiff Blue Cross & Blue Shield of Vermont in the amount of \$7,203,738.83. The Clerk is directed to enter final judgment for plaintiff in the amount of \$7,203,738.83.

Plaintiff may request an award of costs. Entry of final judgment shall not prejudice defendant’s right to appeal this judgment.

IT IS SO ORDERED.

MARIAN BLANK HORN
Judge