

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

HEALTH REPUBLIC INSURANCE
COMPANY,

Plaintiff,
on behalf of itself and all others
similarly situated,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

Case No. 16-259C

Judge Sweeney

PLAINTIFF'S MOTION FOR LEAVE TO DISTRIBUTE FUNDS

On July 23, 2020, the Court entered a Rule 54(b) judgment in favor of the Non-Dispute Subclass in this matter, with the subclass owed a net amount of \$1,903,662,047.19, to be divided in accordance with the schedule found in Exhibit A to the Court's order. Dkt. 82. Currently pending before the Court is class counsel's motion for approval of its attorney's fee request and class representative incentive award. Dkt. 84. Class counsel requested 5% of the judgment as an attorney's fee, with a class representative incentive award to be drawn from the fee awarded to class counsel. *Id.* at 33-34.

On October 13, 2020, JND Legal Administration, the claims administrator retained by class counsel, received payment for the full net amount owed to the Non-Dispute Subclass from the United States Department of Treasury Judgment Fund. JND Legal Administration is currently making preparations to distribute funds in accordance with the Court's order. Although class counsel's attorney's fee motion is still pending, Plaintiff and class counsel do not believe that there is any reason to delay distribution of funds to the class. Specifically, Plaintiff seeks leave for the claims administrator to distribute 95% of the funds paid pursuant to the judgment, while holding the remaining 5% in escrow pending resolution of the fee petition. Plaintiff

proposes that the fees be distributed *pro rata*, with each class member receiving 95% of the funds owed to them, as set forth in Exhibit A to this motion.

Plaintiff and class counsel seek leave of Court to proceed with distributing 95% of the class funds now. They believe that is the most efficient and expeditious manner of distributing funds pursuant to the Court's judgment, because it will ensure that class members receive the funds by year's end. Class counsel has conferred with the government, which indicated that it takes no position on this request.

Dated: October 15, 2020

Respectfully submitted,

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*Attorneys for Plaintiff Common Ground
Healthcare Cooperative and the Class*

Exhibit A

HIOS ID	Issuer Name	Net RC Payments	
		Balance	95% Payment
16049	All Savers Insurance Company	\$6,697,668.39	\$6,362,784.97
36373	All Savers Insurance Company	\$11,449,513.89	\$10,877,038.20
36677	All Savers Insurance Company	\$294,912.81	\$280,167.17
39924	All Savers Insurance Company	\$7,972,985.11	\$7,574,335.85
85947	All Savers Insurance Company	\$62,422,090.52	\$59,300,985.99
92137	All Savers Insurance Company	\$184,407.92	\$175,187.52
98971	All Savers Insurance Company	\$7,002,813.66	\$6,652,672.98
67577	Alliance Health and Life Insurance Company	\$369,880.03	\$351,386.03
32536	ATRIO Health Plans	\$589,657.01	\$560,174.16
60536	Avera Health Plans, Inc.	\$26,120,468.22	\$24,814,444.81
74980	Avera Health Plans, Inc.	\$913,160.23	\$867,502.22
15287	Blue Cross & Blue Shield of Rhode Island	\$381,639.63	\$362,557.65
16842	Blue Cross and Blue Shield of Florida	\$12,018,283.99	\$11,417,369.79
18558	Blue Cross and Blue Shield of Kansas, Inc.	\$38,218,779.37	\$36,307,840.40
42690	Blue Cross and Blue Shield of Massachusetts HMO Blue, Inc.	\$3,275,797.62	\$3,112,007.74
26065	Blue Cross and Blue Shield of South Carolina	\$11,205,576.67	\$10,645,297.84
49532	BlueChoice HealthPlan of South Carolina, Inc.	\$7,837,407.61	\$7,445,537.23
27811	BlueCross BlueShield Kansas Solutions, Inc.	\$12,968,346.42	\$12,319,929.10
40586	Bluegrass Family Health, Inc.	\$4,440,440.13	\$4,218,418.12
82569	Boston Medical Center Health Plan, Inc.	\$1,445,782.89	\$1,373,493.75
70285	CA Physician's Service dba Blue Shield of CA	\$22,807,199.00	\$21,666,839.05
45127	Capital Advantage Assurance Company	\$2,505,542.65	\$2,380,265.52
82795	Capital Advantage Insurance Company CAIC	\$241,532.88	\$229,456.24
10207	CareFirst BlueChoice, Inc.	\$2,560,974.15	\$2,432,925.44
28137	CareFirst BlueChoice, Inc.	\$37,089,252.70	\$35,234,790.07
45532	CareFirst of Maryland, Inc.	\$12,096,305.98	\$11,491,490.68
54192	CareSource Indiana, Inc.	\$1,293,422.26	\$1,228,751.15
45636	CareSource Kentucky Co.	\$3,577,396.03	\$3,398,526.23
92551	CDPHP Universal Benefits Inc.	\$47,697,764.95	\$45,312,876.70
47579	Chinese Community Health Plan	\$593,429.63	\$563,758.15
72034	CHRISTUS Health Plan	\$134,369.02	\$127,650.57
63312	Colorado Choice Health Plans	\$6,659,644.23	\$6,326,662.02

87416	Common Ground Healthcare Cooperative	\$67,325,233.36	\$63,958,971.69
18581	Community Health Plan of Washington	\$1,187,131.21	\$1,127,774.65
98905	CommunityCare HMO Inc.	\$2,422,216.86	\$2,301,106.02
87698	CommunityCare Life & Health Insurance Co	\$761,894.83	\$723,800.09
41895	Consumers Mutual Insurance of Michigan	\$25,843,655.17	\$24,551,472.41
38345	Dean Health Plan	\$31,644,174.98	\$30,061,966.23
66699	Denver Health Medical Plan, Inc	\$380,764.18	\$361,725.97
78124	Excellus Health Plan, Inc.	\$31,028,716.81	\$29,477,280.97
88806	Fallon Community Health Plan, Inc.	\$1,218,752.09	\$1,157,814.49
56503	Florida Health Care Plan, Inc.	\$719,021.99	\$683,070.89
22444	Geisinger Health Plan	\$36,995,506.57	\$35,145,731.24
75729	Geisinger Quality Options	\$8,372,420.70	\$7,953,799.67
94084	GHMSI	\$4,445,042.32	\$4,222,790.20
85408	GlobalHealth, Inc.	\$6,202,344.71	\$5,892,227.47
80473	Group Health Cooperative	\$521,384.24	\$495,315.03
34102	Group Health Plan, Inc.	\$11,396,084.43	\$10,826,280.21
40308	Group Hospitalization and Medical Services Inc.	\$155,508.63	\$147,733.20
27651	Gundersen Health Plan, Inc.	\$394,393.50	\$374,673.83
91058	Gundersen Health Plan, Inc.	\$6,096,264.82	\$5,791,451.58
27357	Health First Health Plan, Inc.	\$85,751.91	\$81,464.31
77150	Health First Insurance, Inc.	\$1,708,120.48	\$1,622,714.46
30252	Health Options, Inc.	\$9,475,810.73	\$9,002,020.19
95865	Health Plan of Nevada, Inc.	\$643,589.93	\$611,410.43
96383	Health Republic Insurance Company	\$19,565,019.76	\$18,586,768.77
47342	Health Tradition Health Plan	\$1,385,886.58	\$1,316,592.25
92036	HealthSpan	\$12,878,282.88	\$12,234,368.74
20126	HealthSpan Integrated Care	\$21,869,077.92	\$20,775,624.02
19636	HMO Louisiana, Inc.	\$18,013,347.69	\$17,112,680.31
21032	Kaiser Foundation Health Plan of Colo.	\$64,718,412.45	\$61,482,491.83
89942	Kaiser Foundation Health Plan of Georgia	\$10,913,600.35	\$10,367,920.33
90296	Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.	\$17,630,217.35	\$16,748,706.48
94506	Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.	\$3,903,893.99	\$3,708,699.29
95185	Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.	\$34,598,194.30	\$32,868,284.59
40513	Kaiser Foundation Health Plan, Inc.	\$117,740,652.66	\$111,853,620.03

60612	Kaiser Foundation Health Plan, Inc.	\$34,324,694.58	\$32,608,459.85
71287	Kaiser Foundation Healthplan of the NW	\$9,821,230.13	\$9,330,168.62
53789	Keystone Health Plan Central	\$528,671.99	\$502,238.39
67202	Louisiana Health Cooperative, Inc.	\$45,924,911.89	\$43,628,666.30
97176	Louisiana Health Service & Indemnity Company	\$73,296,024.88	\$69,631,223.64
58326	MercyCare HMO, Inc.	\$2,414,171.05	\$2,293,462.50
35334	MercyCare Insurance Company	\$1,170,713.86	\$1,112,178.17
11177	MetroPlus Health Plan	\$16,424,594.93	\$15,603,365.18
11555	New Health Ventures Inc	\$177,328.66	\$168,462.23
82483	North Shore-LIJ Insurance Company Inc	\$18,002,649.15	\$17,102,516.69
20507	Optima Health Plan	\$2,229,495.98	\$2,118,021.18
74289	Oscar Insurance Corporation	\$58,424,157.02	\$55,502,949.17
50221	Oscar Insurance Corporation of New Jersey	\$2,132,615.32	\$2,025,984.55
48834	Oxford Health Plans (NJ), Inc.	\$1,357,526.59	\$1,289,650.26
10091	PacificSource Health Plans	\$16,892,224.87	\$16,047,613.63
23603	PacificSource Health Plans	\$17,473,387.21	\$16,599,717.85
60597	PacificSource Health Plans	\$3,930,773.68	\$3,734,235.00
65441	PHPS, Inc. (fka Phoenix Health Plans, Inc.)	\$34,931.14	\$33,184.58
50816	Physicians Health Plan of Northern Indiana, Inc.	\$6,370,812.47	\$6,052,271.85
58564	Physicians Plus Insurance Corporation	\$171,543.34	\$162,966.17
88102	PreferredOne Insurance Company	\$45,727,888.21	\$43,441,493.80
26734	Premier Health Plan, Inc.	\$2,572,926.75	\$2,444,280.41
57173	Presbyterian Health Plan, Inc.	\$2,063,703.11	\$1,960,517.95
29698	Priority Health	\$14,688,532.68	\$13,954,106.05
29241	Priority Health Insurance Company (PHIC)	\$5,678,007.91	\$5,394,107.51
16698	Prominence HealthFirst	\$501,439.74	\$476,367.75
56707	Providence Health Plan	\$7,302,569.66	\$6,937,441.18
70525	QCA Health Plan, Inc.	\$3,957,601.38	\$3,759,721.31
37903	QualChoice Life & Health Insurance Company, Inc.	\$4,524,487.98	\$4,298,263.58
80208	Rocky Mountain Health Care Options	\$366,780.94	\$348,441.89
97879	Rocky Mountain HMO	\$34,831,063.53	\$33,089,510.35
38166	Security Health Plan of Wisconsin, Inc.	\$36,886,330.97	\$35,042,014.42
26002	SelectHealth	\$60,598,770.69	\$57,568,832.16
68781	SelectHealth	\$180,603,493.13	\$171,573,318.47

26539	SHA, LLC DBA FirstCare Health Plans	\$7,356,449.15	\$6,988,626.69
92499	Sharp Health Plan	\$37,507.58	\$35,632.20
62210	South Dakota State Medical Holding Company, Inc.	\$13,269,548.73	\$12,606,071.29
52664	Summa Insurance Company, Inc.	\$2,091,574.38	\$1,986,995.66
14650	Time Insurance Company	\$494,806.51	\$470,066.18
19068	Time Insurance Company	\$1,450,728.94	\$1,378,192.49
19524	Time Insurance Company	\$4,045,974.64	\$3,843,675.91
20544	Time Insurance Company	\$7,352,482.72	\$6,984,858.58
24867	Time Insurance Company	\$253,920.36	\$241,224.34
28020	Time Insurance Company	\$7,661,197.18	\$7,278,137.32
29176	Time Insurance Company	\$568,168.32	\$539,759.90
29211	Time Insurance Company	\$7,321,151.53	\$6,955,093.95
39996	Time Insurance Company	\$1,451,025.54	\$1,378,474.26
42260	Time Insurance Company	\$925,446.08	\$879,173.78
60299	Time Insurance Company	\$234,775.92	\$223,037.12
62662	Time Insurance Company	\$61,174,353.15	\$58,115,635.49
67807	Time Insurance Company	\$1,111,551.75	\$1,055,974.16
80863	Time Insurance Company	\$7,624,448.10	\$7,243,225.70
89029	Time Insurance Company	\$431,897.82	\$410,302.93
91842	Time Insurance Company	\$4,618,815.85	\$4,387,875.06
29125	Tufts Associated Health Maintenance Org	\$285,907.70	\$271,612.32
85736	UCare Minnesota	\$10,464,932.43	\$9,941,685.81
71667	UnitedHealthcare Community Plan, Inc.	\$144,054.47	\$136,851.75
31779	UnitedHealthcare Insurance Company	\$166,087.58	\$157,783.20
49650	UnitedHealthcare Insurance Company	\$497,317.92	\$472,452.02
45002	UnitedHealthcare Life Insurance Company	\$27.28	\$25.92
59809	UnitedHealthcare Life Insurance Company	\$6,577.07	\$6,248.22
68259	UnitedHealthcare of Alabama, Inc.	\$8,688,275.81	\$8,253,862.02
68398	UnitedHealthcare of Florida, Inc.	\$42,820,458.16	\$40,679,435.25
43802	UnitedHealthcare of Georgia, Inc.	\$12,145,393.47	\$11,538,123.80
23671	UnitedHealthcare of Kentucky, Ltd.	\$13,606.24	\$12,925.93
38499	UnitedHealthcare of Louisiana, Inc.	\$4,251,825.74	\$4,039,234.45
97560	UnitedHealthcare of Mississippi, Inc.	\$809,174.17	\$768,715.46
79881	UnitedHealthcare of New England, Inc.	\$635.07	\$603.32
54235	UnitedHealthcare of New York, Inc.	\$909,112.89	\$863,657.25
54332	UnitedHealthcare of North Carolina, Inc	\$18,401,376.06	\$17,481,307.26

33931	UnitedHealthcare of Ohio, Inc.	\$902,297.30	\$857,182.44
24872	UnitedHealthcare of Pennsylvania, Inc.	\$5,937,531.25	\$5,640,654.69
21066	UnitedHealthcare of the Mid-Atlantic Inc	\$14,598.52	\$13,868.59
31112	UnitedHealthcare of the Mid-Atlantic Inc	\$128,553.76	\$122,126.07
16724	UnitedHealthcare of the Midwest, Inc.	\$115,915.27	\$110,119.51
66413	UnitedHealthcare of Utah, Inc.	\$6,697.41	\$6,362.54
37833	Unity Health Plans Insurance Corporation	\$11,131,237.20	\$10,574,675.34
88925	University of Arizona Health Plans-University Healthcare, Inc.	\$1,750,150.59	\$1,662,643.06
75293	USable Mutual Insurance Company	\$15,919,592.28	\$15,123,612.67
67243	Vantage Health Plan, Inc.	\$1,785,495.97	\$1,696,221.17
93689	Western Health Advantage	\$176,519.93	\$167,693.93
TOTAL		\$1,903,662,047.19	\$1,808,478,944.85