

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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GUIDEWELL MUTUAL)	
HOLDING CORPORATION, et al.)	
)	
	Plaintiffs,)	
)	Case No. 18-1791
	v.)	
)	Judge Lydia Kay Griggsby
)	
THE UNITED STATES,)	
)	
	Defendant.)	
)	
)	
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JOINT MOTION TO ENTER STIPULATED FINAL JUDGMENT

In this case, plaintiffs Guidewell Mutual Holding Corporation, *et al.* seek to recover unpaid cost-sharing reduction payments, known as CSR payments, for benefit years 2015, 2016, and 2017. For the reasons set forth below, the parties jointly request that this Court enter judgment under Rule 58 of the Rules of the Court of Federal Claims in favor of plaintiffs in the amount of \$224,793,758.82, 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 plaintiffs in this case, 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 plaintiffs for benefit years 2015, 2016, and 2017 is \$224,793,758.82.
2. Given the Federal Circuit’s rulings in *Sanford Health Plan v. United States*, 969 F.3d 1370 (Fed. Cir. 2020) and *Community Health Choice, Inc. v. United States*, 970 F.3d 1364 (Fed. Cir. 2020), and given that plaintiffs did not silver-load, or otherwise obtain additional

premium tax credits to offset the unpaid CSR payments for benefit years 2015, 2016, or 2017, the parties agree that it is appropriate at this time for this Court to enter final judgment in favor of plaintiffs in the amount of \$224,793,758.82 (the Stipulated Amount).

3. Plaintiffs 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 2018, 2019, or 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.

Respectfully submitted,

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December 18, 2020

Counsel for Defendant

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_____)	

[PROPOSED] FINAL JUDGMENT

Based on the Joint Motion to Enter Stipulated Final Judgment submitted by the parties on December 18, 2020, and pursuant to Rule 58 of the Rules of the Court of Federal Claims, final judgment is hereby awarded to plaintiffs in the amount of \$224,793,758.82. The Clerk is directed to enter final judgment for plaintiffs in the amount of \$224,793,758.82.

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

IT IS SO ORDERED.

Lydia Kay Griggsby
Judge