

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

MDWISE MARKETPLACE, INC.,	)	
	)	
Plaintiff,	)	No. 17-1958 C
	)	(Judge Williams)
v.	)	
	)	
THE UNITED STATES,	)	
	)	
Defendant.	)	

JOINT MOTION TO ENTER STIPULATED FINAL JUDGMENT

In this case, plaintiff Marketplace, Inc., f/k/a MDwise Marketplace, Inc., seeks to recover unpaid cost-sharing reduction payments, known as CSR payments, for benefit years 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 plaintiff in the amount of \$4,196,148.71, as reflected in the accompanying proposed final judgment. Entry of final judgment is without prejudice to the United States' 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 plaintiff for benefit years 2016 and 2017 is \$4,196,148.71.
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 2016 or 2017, the parties agree that it is appropriate at this time for this Court to enter final judgment in favor of plaintiff in the amount of \$4,196,148.71 (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 United States'

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.

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,

BRIAN M. BOYNTON  
Acting Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.  
Director

/s/ William L. Roberts  
William L. Roberts  
william.roberts@faegredrinker.com  
**FAEGRE DRINKER BIDDLE & REATH LLP**  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402-3901  
Telephone: (612) 766-7000  
Fax: (612) 766-1600

/s/ Claudia Burke  
CLAUDIA BURKE  
Assistant Director

*Of Counsel:*

Jonathan W. Dettmann  
jon.dettmann@faegredrinker.com  
Nicholas J. Nelson  
nicholas.nelson@faegredrinker.com  
Evelyn Snyder  
evelyn.snyder@faegredrinker.com  
**FAEGRE DRINKER BIDDLE & REATH LLP**  
2200 Wells Fargo Center  
90 South Seventh Street

/s/ Eric E. Laufgraben  
ERIC E. LAUFGRABEN  
Senior Trial Counsel  
Commercial Litigation Branch  
Civil Division  
U.S. Department of Justice  
P.O. Box 480  
Ben Franklin Station  
Washington, DC 20044  
Telephone: (202) 353-7995

Minneapolis, MN 55402-3901  
Telephone: (612) 766-7000  
Fax: (612) 766-1600

*Counsel for Plaintiff Marketplace, Inc.*

Facsimile: (202) 353-0461  
Email: Eric.E.Laufgraben@usdoj.gov

OF COUNSEL:

CHRISTOPHER J. CARNEY  
Senior Litigation Counsel

ALBERT S. IAROSI  
Trial Attorney  
Civil Division  
U.S. Department of Justice

*Attorneys for Defendant*

March 16, 2021

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Plaintiff,	)	No. 17-1958 C
	)	(Judge Williams)
v.	)	
	)	
THE UNITED STATES,	)	
	)	
Defendant.	)	

[PROPOSED] FINAL JUDGMENT

Based on the Joint Motion to Enter Stipulated Final Judgment submitted by the parties on March 16, 2021, 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 \$4,196,148.71. The Clerk is directed to enter final judgment for plaintiffs in the amount of \$4,196,148.71.

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.

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Mary Ellen Coster Williams  
Judge