

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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CIGNA HEALTH AND LIFE INSURANCE)	
COMPANY, et al.,)	
	Plaintiffs,)	
)	Case No. 20-546
v.)	(Judge Holte)
)	
THE UNITED STATES,)	
)	
	Defendant.)	
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JOINT STATUS REPORT

On July 21, 2021, the parties filed a joint status report (ECF No. 18) providing notice that the Supreme Court denied *certiorari* in *Maine Community Health Options v. United States*, Nos. 20-1162, 20-1432, and *Common Ground Healthcare Cooperative v. United States*, Nos. 20-1200, 20-1536. The parties proposed continuing the stay of the remaining counts of plaintiffs’ First Amended Complaint (Counts III and IV), which both concern plaintiffs’ cost-sharing reduction (CSR) claims, for 60 additional days, to allow the parties time to discuss a potential resolution of this case. The parties also proposed to file either a joint status report or a stipulation of dismissal by no later than September 20, 2021.

The parties request that the Court continue the stay of proceedings for an additional 45 days, to allow discussions to continue. Good cause exists for the Court to continue the stay of this case. Several different attorneys, collectively representing a large number of plaintiff health plans have engaged Government counsel in initial talks regarding potential avenues for resolving the CSR matters.

Those resolution efforts are continuing at this time, and the government has joined those plaintiffs in requesting that a number of other CSR cases be continued for an additional 45 days,

at which time a joint status report is proposed to be filed. At present, counsel for a large number of plaintiff health plans are continuing efforts to develop a proposal to share with the Government to collectively resolve the damages and mitigation issues in the CSR cases without further litigation or to streamline resolution of these cases. Those counsel expect to share a proposal and methodology to resolve the damages and mitigation issues in these cases with the Government within 45 days. Thereafter, the Government's counsel must consult with and obtain approval from its decision makers and stakeholders and will provide a substantive response to counsel's proposal and methodology. Plaintiffs here have expressed a willingness to consider seriously the method, if any, that the Government is able to agree to with the other CSR plaintiffs for resolving or streamlining the CSR cases.

Good cause exists for the Court to continue the stay of this case. The Government is working with a number of CSR plaintiffs to determine whether they may efficiently resolve this matter without further litigation or can at least streamline the cases. Plaintiffs here are cooperating by agreeing to consider the proposals that arise from that effort, so that the Government can attempt to achieve a uniform method in resolving or streamlining the CSR cases. The complexity of the CSR cases and the number of interested stakeholders, necessitates that the parties be afforded additional time for these efforts. The parties therefore jointly propose that they be given until November 4, 2021 to file a joint status report providing an update to the Court on these efforts or to file a joint stipulation of dismissal.

Respectfully submitted,

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