

IN THE UNITED STATES COURT
OF FEDERAL CLAIMS

CIGNA HEALTH AND LIFE INSURANCE
COMPANY, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 1:20-cv-00546-RTH

JOINT STATUS REPORT

The parties respectfully submit this joint status report to request that the Court continue 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 another 30 days.

This case is currently stayed because the Government is working with a number of CSR plaintiffs to determine whether they may efficiently resolve this matter without further litigation or at least streamline these cases. *See* Doc. 20 at 1. On September 21, 2021, the Court continued the stay and ordered the parties to file a joint status report on or before November 4, 2021. *Id.* The Court also ordered: "If the parties request to continue the stay in the next JSR due to ongoing discussions with a number of CSR plaintiffs, the parties SHALL FILE a JSR every 30 days thereafter." *Id.*

The parties request that the Court continue the stay to provide more time for the broader discussions about possible approaches to resolving this and other CSR cases. As the parties reported before, counsel for a large number of plaintiff health plans were developing a proposal to

share with the Government. Counsel for those plaintiffs presented their proposal to the Government today, December 3, 2021. Now, 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. The complexity of the CSR cases and the number of interested stakeholders necessitate that the parties be afforded additional time for these efforts.

In addition, the parties here are considering internally, and may discuss with each other or present to the Court, other options to partially or fully resolve the remaining claims. Good cause therefore exists to continue the stay.

Accordingly, the parties jointly request that the Court continue the stay in this case for another 40 days. The Court's prior order, Doc. 20 at 1, requires the parties to file another joint status report within 30 days from today, if the case has not been resolved. However, in light of the holidays, the parties respectfully request that they be given 40 days, until January 12, 2022, to file the next joint status report, if no resolution is reached by then.

Respectfully submitted,

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