

**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
(Judge Holte)

JOINT STATUS REPORT

Pursuant to the Court's February 17, 2022 order, the parties respectfully submit this joint status report to request that the Court continue the stay of plaintiffs' remaining cost-sharing reduction (CSR) claim (Count III) of plaintiffs' First Amended Complaint.

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. The parties to a number of these CSR cases, including this one, have also presented joint stipulations for CSR amounts owed by the Government for 2017. Doc. 26 at 1. On February 17, 2022, the Court continued the stay in this case and ordered the parties to file a joint status report on or before February 24, 2022. *Id.* The Court also ordered: "If the parties request to continue the stay of proceedings, the parties SHALL FILE a JSR every 30 days thereafter." *Id.* As ordered, the parties filed joint status reports on February 24, March 24, and April 22.

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 shared a proposal with the Government on December 3, 2021. On April 28, 2022, the Government provided its substantive response to the CSR plaintiffs' proposed settlement methodology for CSR damages owed for benefit years 2018 and beyond. The CSR plaintiffs and the Government held a conference call on May 6 to discuss certain aspects of the Government's response and what the next steps should be. The parties intend to meet again soon to discuss more specific actuarial issues. After CSR Plaintiffs have completed reviewing the Government's response, the parties plan to meet and confer regarding the Government's response and the potential mutual resolution of pending CSR claims for benefit years 2018 and beyond. 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. Good cause therefore exists to continue the stay.

Accordingly, the parties jointly request that the Court continue the stay in this case, and the parties will file a JSR within 30 days to update the Court on the status of their efforts to fully resolve this matter.

May 20, 2022

Respectfully submitted,

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