

**IN THE UNITED STATES COURT  
OF FEDERAL CLAIMS**

BLUE CROSS OF CALIFORNIA, *et al.*,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

No. 20-606 C  
Judge Bonilla

**JOINT STATUS REPORT**

Pursuant to the Court's March 10, 2022 order (ECF No. 27), the parties respectfully submit this joint status report to request that the Court continue the stay in these proceedings.

This case is currently stayed because the Government is working with a number of CSR Plaintiffs to determine whether they may efficiently resolve this and other pending CSR matters without further litigation or at least streamline these cases. The parties to a number of these CSR cases, including this one, have stipulated to entry of partial final judgment as to the CSR amounts owed by the Government for 2017. On March 10, 2022, the Court ordered the parties to file a joint status report on or before April 10, 2022, and every 30 days thereafter.

The parties believe that the current continued stay in this case will provide more time for the parties to continue their discussions about resolving the damages amounts owed by the Government in the pending CSR cases, including this one, for benefit years 2018 and beyond without further litigation. 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. On May 20, 2022, counsel for the Government and for a number of CSR Plaintiffs, including this case, participated in a teleconference with actuaries to discuss the proposed settlement methodology and to share relevant data. On May 23, 2022, CSR Plaintiffs responded to the Government's April 28, 2022 letter. The Government is reviewing the CSR Plaintiffs' letter, after which the parties plan to meet to continue to discuss and refine the potential mutual resolution of pending CSR claims for benefit years 2018 and beyond. The complexity of the CSR cases and the number of interested stakeholders necessitate that the parties be afforded additional time to pursue this mutual attempt to resolve the damages issues in this case without further litigation. Good cause therefore exists to continue the stay in this case for CSRs due to Plaintiffs for benefit years 2018 and beyond.

Accordingly, the parties jointly request that the Court continue the stay in this case and the parties will file a Joint Status Report within 45 days to update the Court on the status of their efforts to fully resolve this matter.

June 10, 2022

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney  
General

PATRICIA M. McCARTHY.  
Director

s/ Lawrence S. Sher  
Lawrence S. Sher (D.C. Bar No. 430469)  
REED SMITH LLP  
1301 K Street NW  
Suite 1000-East Tower  
Washington, DC 20005  
Telephone: 202.414.9200  
Facsimile: 202.414.9299  
Email: lsher@reedsmith.com

s/ Claudia Burke  
CLAUDIA BURKE  
Assistant Director

s/ David M. Kerr  
DAVID M. KERR  
Trial Attorney  
Commercial Litigation Branch  
Civil Division  
U.S. Department of Justice  
P.O. Box 480  
Ben Franklin Station  
Washington, DC 20044  
Telephone: (202) 307-3390  
Email: David.M.Kerr@usdoj.gov

*Of Counsel:*

Gregory Vose (PA Bar No. 324912)  
REED SMITH LLP  
Reed Smith Centre  
225 Fifth Avenue, Suite 1200  
Pittsburgh, PA 15222  
Telephone: 412.288.3131  
Facsimile: 412.288.3063  
Email: gvose@reedsmith.com

OF COUNSEL:

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

*Attorneys for Plaintiffs*

*Attorneys for Defendant*