

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

_____	)	
SENDERO HEALTH PLANS, INC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 17-2048C
	)	
THE UNITED STATES,	)	Judge Matthew H. Solomson
	)	
Defendant.	)	
	)	
	)	
	)	
	)	
_____	)	

**JOINT STATUS REPORT AND MOTION TO CONTINUE STAY**

Pursuant to the Court’s Status Report Order on May 5, 2022, the parties respectfully submit this Joint Status Report. The May 5 order continued the stay in these proceedings and directed the parties to file a joint status report proposing further proceedings by July 5, 2022.

In July 2021, shortly after the U.S. Supreme Court denied the petition for writ of certiorari (No. 20-1162) and the Government’s conditional cross-petition (No. 20-1432) in *Maine Community Health Options v. United States*, which sought review of the Federal Circuit’s CSR decision in *Community Health Choice, Inc. v. United States*, Nos. 2019-1633, -2102, 2020 WL 4723757 (Fed. Cir. Aug. 14, 2020), the parties began discussions regarding the next steps in this litigation. Several different attorneys, collectively representing a large number of plaintiff health plans—including the plaintiff here—engaged Government counsel in discussions regarding potential resolution of the CSR matters through settlement.

On December 3, 2021, Plaintiffs’ counsel shared a proposal with the Government to attempt to collectively resolve the damages and mitigation issues in the CSR cases without

further litigation or to significantly streamline resolution of the remaining damages/mitigation issues in these cases. On April 28, 2022, the Government responded to Plaintiffs' proposal, and Plaintiffs responded on May 23, 2022. Thereafter, the parties convened by phone, and the Government is currently preparing additional information relevant to the parties' discussion.

The parties' resolution efforts are progressing, and the parties respectfully request that the stay of this matter continue for an additional 60 days, at which time the parties will file a joint status report. Good cause exists for the Court to continue the existing stay of this case. The parties are working together to determine whether they may efficiently resolve this matter without further litigation or can at least streamline the damages and mitigation issues in this case. The complexity of the CSR cases and the large number of interested stakeholders, necessitates that the parties be afforded additional time to complete these efforts. The parties therefore jointly propose that they file a status report by September 6, 2022, in which the parties will update the Court on the status of their efforts to resolve this matter.

July 5, 2022

/s/ William L. Roberts

William L. Roberts

[william.roberts@faegredrinker.com](mailto: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

***Counsel of Record for Plaintiff Sendero  
Health Plans, Inc.***

OF COUNSEL:

Jonathan W. Dettmann

[jon.dettmann@faegredrinker.com](mailto:jon.dettmann@faegredrinker.com)

Nicholas J. Nelson

[nicholas.nelson@faegredrinker.com](mailto:nicholas.nelson@faegredrinker.com)

Evelyn Snyder

[evelyn.snyder@faegredrinker.com](mailto:evelyn.snyder@faegredrinker.com)

Respectfully submitted,

BRIAN M. BOYNTON

Principal Deputy Assistant Attorney General

RUTH A. HARVEY

Director

Commercial Litigation Branch

KIRK T. MANHARDT

Deputy Director

s/ Phillip M. Seligman

PHILLIP M. SELIGMAN

Commercial Litigation Branch

Civil Division

U.S. Department of Justice

P.O. Box 480

Ben Franklin Station

Washington, D.C. 20044

Tel. (202) 307-1105

Fax (202) 307-0494

[Phillip.seligman@usdoj.gov](mailto:Phillip.seligman@usdoj.gov)

OF COUNSEL:

DAVID M. KERR

Trial Attorney

ALBERT S. IAROSCI

Trial Attorney

Civil Division

U.S. Department of Justice

Counsel for Defendant

US.350986561.01