

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

COMMON GROUND HEALTHCARE
COOPERATIVE,

Plaintiff,
on behalf of itself and all others
similarly situated,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

No. 1:17-cv-00877-KCD
(Judge Davis)

**JOINT STATUS REPORT REGARDING THE REMAINING CATEGORIES OF
SUBCLASS MEMBERS WITH UNRESOLVED CLAIMS**

Pursuant to this Court's December 29, 2025 Order (Dkt. 300), the parties submit the following Joint Status Report regarding the remaining categories of subclass members with unresolved claims.

HMO-Louisiana. HMO-Louisiana did not participate in the classwide settlement because it believes that the silver loading assumptions for Louisiana in the agreed-upon methodology overcounts its actual silver loading for the relevant years. Class Counsel and government counsel discussed whether the government would be willing to use a different silver loading assumption for HMO-Louisiana, based on proof it intends to provide of its actual silver loading, but otherwise utilize the same settlement methodology for HMO-Louisiana's claims. The government is considering that proposal and Class Counsel will provide HMO-Louisiana's substantive evidence shortly.

CSR Dispute Subclass Members. The SelectHealth entities have agreed in principle to settlement papers with the government, which have been submitted for approval within the government. If such approval is granted, the government and SelectHealth expect to settle shortly thereafter.

The Independence Blue Cross Dispute Subclass members remain in active discussions with the government regarding their specific disputes. However, as part of those discussions, the Independence Blue Cross entities have agreed to dismiss with prejudice the claims of one of their qualified health plans. Class Counsel and the government expect to submit a stipulation of dismissal in that regard in the near future.

Tax Identification Numbers and Submission to the Judgment Fund. Class Counsel was able to obtain all TINs for the settling class members in early January 2026, which it provided to the government shortly thereafter. The government then submitted all of the collected information

to the Judgment Fund for payment. The Judgement Fund indicated that there were Treasury Offset Program (TOP) alerts for eight of the issuers, which requires the Judgment Fund to process payments for these issuers separately. The parties expect either payments from the Judgment Fund or further follow up questions, the latter of which they will address expeditiously, if there are any.

Not-Pursuing-Claims-Beyond-2017 Subclass. Class Counsel submitted its declaration on the Not-Pursuing-Claims-Beyond-2017 Subclass on January 30, 2026, as directed by the Court. The one member of that Subclass that recently responded is Aspirus Health Plan, Inc., which indicated that it intends to settle its claims with the Government utilizing the proposed methodology. The government sent proposed settlement papers to Aspirus on January 28, 2026, which are currently under review within Aspirus. Like with SelectHealth, if approved, the parties will then finalize their settlement as soon as possible and submit it to the Court.

Dated: February 10, 2026

Respectfully submitted,

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