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)

MOTION FOR APPROVAL OF ATTORNEY'S FEES
(SELECTHEALTH IDAHO AND ASPIRUS CSR SUBCLASSES)

I. PRELIMINARY STATEMENT

Plaintiff Common Ground Healthcare Cooperative ("Common Ground" or "Plaintiff") and Class Counsel respectfully submit this fee petition for Class Counsel's work on behalf of the SelectHealth Idaho and Aspirus CSR Dispute Subclasses. As with the broader CSR Settlement Class, that work resulted in a complete net recovery for SelectHealth Idaho and Aspirus via the Settlement with the Government. For this work, Class Counsel seeks a 5% fee.

Because the Court is familiar with Class Counsel's CSR-related work and has already awarded it a 5% fee for the broader Settlement Class, Class Counsel respectfully incorporates by reference the arguments it raised in its previous fee petition, as well as the Court's reasoning in the subsequent fee decision. As relevant to the current fee petition, it also bears noting that both SelectHealth Idaho and Aspirus agree that a reasonable fee for Class Counsel's work is 5%. Class Counsel therefore respectfully submits this fee petition with reference to the relevant points favoring a 5% fee below.

II. ARGUMENT

A. The *Moore* Factors Support a 5% Fee Request

As this Court and the Federal Circuit have each discussed, the Court of Federal Claims utilizes seven so-called "*Moore* factors" to analyze the reasonableness of class counsel fee requests. *See Health Republic* Dkt. 224 (Order granting Renewed Motion for Approval of Attorney's Fee Request) at 5 (citing *Kane Cnty., Utah v. United States*, 145 Fed. Cl. 15, 18 (2019); *Lambert v. United States*, 124 Fed. Cl. 675, 683 (2015); *Quimby v. United States*, 107 Fed. Cl. 126, 133 (2012)). Given the Court already discussed these factors in connection with its decision to award Class Counsel a 5% fee for the broader CSR Settlement Class, *see* Dkt. 317, Class Counsel respectfully submits that the argument it made in connection with that petition, *see* Dkt.

290, as well as the Court's subsequent reasoning in connection with each factor, applies with equal force here.

The only differences between the previous *Moore* factor discussion and the current petition is that (a) Class Counsel performed additional work for the settling plaintiffs; and (b) there are not only no objections, but each Subclass member has submitted a declaration saying that they *agree* 5% is a reasonable fee for Class Counsel's work. *See* Dkt. 319-3 & 319-4. Therefore, the *Moore* factors weigh in further favor of Class Counsel for this particular fee request, because the broader CSR Settlement Clas fee petition involved slightly less work and one objection. *See* Dkt. 317 (overruling single objection to Class Counsel's 5% fee request).

B. A Lodestar Cross-Check Confirms the Reasonableness of a 5% Fee

In Class Counsel's previous fee petition, it observed that its work resulted in a 3.58x implied multiplier. The Court then considered that multiplier in the context of Class Counsel's work and determined it fell within typical ranges and did not indicate Class Counsel would receive an unearned windfall. Dkt. 317 at 15.

Although Class Counsel performed additional work specific to SelectHealth Idaho and Aspirus, for the sake of being conservative, it utilizes the same lodestar as before, as well as the same hourly rates. *See* Dkt. Nos. 290-1; 290-2; 290-3. If applied to just SelectHealth Idaho and Aspirus, the implied multiplier from their total damages would be far less than 1x, which is clearly reasonable. *See* Declaration of Adam Wolfson ¶ 12. However, even adding SelectHealth Idaho's and Aspirus' damages to the broader CSR Settlement Class's total damages and considering the fee here as part of the broader fees already awarded, that would still imply a multiplier under 4x. *Id.* For the same reasons as the Court found in connection with the CSR Settlement Class, Class Counsel respectfully submits that indicates a 5% fee is reasonable under these circumstances.

III. CONCLUSION

For the foregoing reasons, Class Counsel respectfully requests that the Court approve its application for an attorney's fee of 5% of the net recovery SelectHealth Idaho and Aspirus collectively received.

Dated: July 2, 2026

Respectfully submitted,

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Attorneys for Plaintiff Common Ground Healthcare Cooperative and the Classes

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DECLARATION OF ADAM B. WOLFSON

I, Adam B. Wolfson, declare:

1. I am a Partner in the San Francisco and Los Angeles offices of Quinn Emanuel Urquhart & Sullivan LLP, appointed as Class Counsel in this matter. I make this declaration of my own personal knowledge and, if called to testify, I could and would competently testify hereto under oath.

2. Filed as Dkt. 290-2 is a series of spreadsheets summarizing Class Counsel's lodestar on a per attorney and total basis. Dkt. 290-2 is the lodestar chart that I previously included with my declaration in support of Class Counsel's Motion for Approval of Attorney's Fees (CSR Claims Settlement). As indicated within Dkt. 290-2, the first spreadsheet reflects Class Counsel's pre-July 2020 lodestar in that time period utilizing current rates as of October 2025. The second spreadsheet reflects Class Counsel's lodestar from July 2020 to August 15, 2025, utilizing its current rates as of October 2025. The third spreadsheet calculates the total lodestar stemming from both periods, as well as the implied multiplier.

3. My team assembled the spreadsheets included in Dkt. 290-2 with the assistance of our Billing and Rates departments. To update the pre-2020 rates to "current," our Rates department

provided the hourly rates at which each attorney on the team billed out as of January 2025. For any timekeeper who had left the firm by that point, we utilized the hourly rate at which the firm billed out attorneys of equivalent seniority, which is defined by the year they graduated from law school (and which is uniform across associates).

4. The hourly rates included in each of the spreadsheets filed as part of Dkt. 290-2 were the current hourly rates Quinn Emanuel quoted and charged to clients as of October 30, 2025 (the date of my previous declaration for the CSR Settlement Class, Dkt. 290-1). My partner, William Burck, provided his own declaration about the hourly rates we charge in Washington, D.C., in connection with the Motion for Approval of Attorney's Fees (CSR Claims Settlement). *See* Dkt. 290-3. Since October 30, 2025, Quinn Emanuel has not decreased its hourly rates.

5. As Dkt. 290-2 shows, a number of different Class Counsel attorneys worked on the these cases over the years. The following provides a summary of the key team members' and the overall team's work.

- The two highest billers in these cases were, respectively, J.D. Horton and Stephen Swedlow. Mr. Horton is a specialist in healthcare law and is the attorney who first identified the potential claims at issue here. He worked on the cases from their inception, including doing much of the initial work to assess the claims' potential viability. He then worked on readying the case for filing and, once we did file, continued to help develop the claims and legal arguments and defeat the government's attempts to escape liability. As the cases progressed, Mr. Horton was a constant team member whose records show he worked on every aspect of the cases, including on both risk corridors and, as relevant here, CSR issues. In that role, he worked closely with Mr. Swedlow, who was lead counsel in the cases until he departed Quinn Emanuel at the end of 2022 for public service as a judge in Illinois state court. Similar to Mr. Horton, Mr. Swedlow worked on these cases from the beginning and whose records show he was involved in nearly every aspect of the case. He, along with Mr. Horton, also took a central role in communicating and coordinating with the class members, and similarly coordinated with plaintiffs' counsel representing other risk corridor plaintiffs. Mr. Swedlow set forth his work in greater detail in his previous declarations from the original *Health Republic* fee petition briefing. *See Health Republic* Dkt. 84-1, 93-2.

- I am the next highest biller on these cases. Similar to Mr. Swedlow and Mr. Horton, I was on the case from its inception, although I joined shortly after they first identified the potential claims. Once I joined the case, I was centrally involved in further fleshing out the facts and legal theory, developing the complaint, identifying Health Republic (and, for the CSR claims, Common Ground) as potential class representatives, leading briefing on the core briefs in this Court related to the CSR claims, handling the opt-in process (including reaching out to potential class members and discussing the case with them), and drafting and developing the class's motion for summary judgment. I also regularly corresponded with class members and other interested parties in connection with the cases and, after Mr. Swedlow's departure, led the case overall, including negotiation and finalization of the CSR settlement with the government.

- Several other partners also provided their services in these cases over the years. These included Kathleen Sullivan, David Cooper, William Adams, Andy Schapiro, Eric Winston, Steven Edwards, and Fred Bennett. Ms. Sullivan, Mr. Cooper, and Mr. Adams are each appellate specialists and were critical in helping formulate, draft, and critique the various appellate-level briefs Class Counsel submitted in the parallel risk corridors appeals. Mr. Cooper was also more centrally involved in drafting and pursuing the appeal of the Court's CSR-specific decisions, which is reflected in his higher hours in the post-July 2020 time period. Mr. Schapiro, who is an appellate expert in his own right but also practices more regularly as a trial lawyer, assisted in various aspects of the core litigation on both the appellate and everyday level. He has since stepped into a more central role helping lead the cases with me. Finally, each of Mr. Winston, Mr. Edwards, and Mr. Bennett provided spot advice on various different issues that arose over the years; mainly in the pre-July 2020 time period. Mr. Winston is a bankruptcy specialist and helped think through potential issues that might arise from class members that went bankrupt or were otherwise put into insolvency proceedings due to, *inter alia*, the government's failure to pay required amounts. Mr. Edwards and Mr. Bennett were each senior litigation partners with expertise in government-facing and other relevant types of litigation that they brought to bear to help think through and assist in directing the team to preemptively research/assess issues that might arise in these cases.

- Among the associate team, Arthur Roberts, Margaret Haas, and Hunter Thompson provided the bulk of associate-level services on the case through its early days, and then more recently Marissa Medansky and Krishna Shah provided important assistance toward the end of the settlement negotiation and finalization process. All of this work included research, drafting, fact gathering, interacting with class members (a very time-intensive task, given the number of class members), interacting with other plaintiffs and their counsel (including numerous CSR plaintiffs), and other necessary day-to-day tasks. In 2020, two more associates, Ben

Berkman and Allison Huebert, provided additional core support for the team, working on similar types of tasks. And, as reflected in the lodestar charts in Dkt. 290-2, several other associates provided discrete help throughout the years for both cases.

- A number of paralegals also assisted with various tasks in the cases, although our primary paralegal throughout was Katherine Fuller.

6. Having been on these cases from the beginning, I can attest that the team's goal throughout was to provide the class with the greatest possible combination of efficiency and efficacy. Among other things, we regularly held team check-in calls, where the core partner team (Mr. Swedlow, Mr. Horton, and myself) would receive reports from the various team members about their work, and we would then discuss strategy and next steps. On these calls and in team emails, we provided clear divisions of labor and response deadlines, in order to minimize duplication of work while ensuring that no stone went unturned for the class. In terms of staffing on the case, the paramount concern was always how and whether a team member could add to the collective effort. My understanding then, as well as my understanding now after reviewing our time records in this case, is that each team member that billed time provided critical services for the class.

7. To calculate its lodestar, Class Counsel began first with the 10% of the pre-July 2020 hours the Court previously found were properly attributed to CSR claims. *Health Republic* Dkt. 224 (Order granting Renewed Motion for Approval of Attorney's Fee Request) at 17. As indicated in Dkt. 290-2, Class Counsel then updated that amount to 2025 rates, given the date of the CSR fee application and the Court's prior ruling that it is proper to use current rates at the time of the fee application for lodestar cross-check purposes. Dkt. 224 at 13 ("In an attorney's fee motion, counsel may use billing rates as of the date of the motion…."). With that update, Class Counsel's pre-July 2020, CSR-related lodestar (*i.e.*, 10% of the total lodestar) is $1,999,767.01.

8. Class Counsel then reviewed its post-July 2020 billing records in detail to identify

only those time entries that were related to CSR-related work (as opposed to time billed to its risk corridors fee petitions or other risk corridors-related work). Where Class Counsel attorneys billed both CSR and risk corridors work in the same time entry, Class Counsel attributed only 30% of those entries to CSR work, even though its review indicated that CSR work typically represented much more than 30% of the time billed. The resulting lodestar for post-July 2020 CSR work, at current rates, is $5,064,879.03.

9. On June 9, 2026, the Court entered judgment in favor of SelectHealth Idaho in the amount of $16,948,797.72, and in favor of Aspirus in the amount of $6,054,107.32. Dkt. 320. The total CSR recovery for SelectHealth Idaho and Aspirus, combined, was $23,002,905.04. Therefore, an award of 5% of the total recovery would result in attorney's fees of $1,150,145.25.

10. As Class Counsel to the main CSR Settlement Class, Quinn Emanuel was awarded an attorney's fee of $25,261,280.66, representing 5% of the total damages awarded to the Cost-Sharing Reductions Claims Settlement Class (which was awarded $505,225,613.20). *See* Dkt. 317; Dkt. 318.

11. Combining the total recovery for the Cost-Sharing Reductions Settlement Class ($505,225,613.20) with the total recovery for SelectHealth Idaho and Aspirus (combined total of $23,002,905.04), Class Counsel has recovered a total of $528,228,518.24 in damages for its CSR class members. Combining the amount that Class Counsel was awarded previously from the CSR Claims Settlement Class (*see* Dkt. 317; Dkt. 318) with the additional 5% fee Class Counsel seeks here from Aspirus and SelectHealth Idaho, Class Counsel seeks to recover total attorney's fees of $26,411,425.91 ($25,261,280.66 from the previous CSR Claims Settlement Class and $1,150,145.25 from SelectHealth Idaho and Aspirus).

12. Even using Class Counsel's previous lodestar (which fails to account for any hours

billed post-October 2025), *see supra* ¶¶ 7-812, an award of $26,411,425.91 results in an implied multiplier of 3.74. If looking solely at the fees sought from SelectHealth Idaho and Aspirus ($1,150,145.25), the multiplier is only 0.16.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 2, 2026, at Los Angeles, California.

/s/ Adam B. Wolfson
Adam B. Wolfson