

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

COMMON GROUND HEALTHCARE COOPERATIVE,	)	
	)	
Plaintiff,	)	No. 17-877
	)	
v.	)	Filed: June 13, 2025
	)	
THE UNITED STATES,	)	
	)	
Defendant.	)	
	)	

ORDER

On June 11, 2025, Common Ground Healthcare Cooperative (“Common Ground”) and the United States jointly moved the Court to divide a “CSR Dispute Subclass” from the certified 2017 CSR Subclass, 2018 CSR Subclass, and 2019 CSR Subclass (collectively, the “CSR Subclasses”). *See* Joint Mot. to Divide “CSR Dispute Subclass,” ECF No. 268.

They request that the Court grant this motion in order to “enable the CSR Subclasses to move forward with a proposed settlement agreement with the United States, and to give the following five Class members an opportunity to resolve certain remaining disputes with the Government without delaying the CSR Subclasses’ ability to settle their claims,” thus effectuating the resolution of the CSR Subclasses’ claims more expeditiously. *Id.* at 2. The CSR Dispute Subclass that Common Ground and the United States propose consists of five members: Independence Blue Cross (HIOS ID 31609); Keystone Health Plan East, Inc. (HIOS ID 33871); AmeriHealth HMO, Inc. (HIOS ID 77606); AmeriHealth Insurance Co. of New Jersey (HIOS ID 91762); and SelectHealth (HIOS ID 26002). *Id.*

When appropriate, the Court may subdivide a class under RCFC 23(c)(5), subject to a showing that the subclass meets the class certification requirements of numerosity, commonality, typicality, adequacy, and superiority as set forth in RCFC 23(a) and (b). *See Haggart v. United States*, 104 Fed. Cl. 484, 489 (2012) (citing Ann. Manual Complex Lit. § 21.23 (4th ed.)). Given that the parties certify

that the proposed subclass meets these requirements, ECF No. 268 at 2, the Court finds that dividing a CSR Dispute Subclass from the CSR Subclasses as proposed is appropriate. Considerations of judicial economy support this finding because it allows members of the CSR Subclasses to obtain relief without further delay. *Id.* at 7.

Consequently, the Court **GRANTS** the parties' motion (ECF No. 268) and certifies a CSR Dispute Subclass as defined in the motion. *See id.* at 6. The Court appoints Quinn Emanuel Urquhart & Sullivan, LLP, counsel for the subclass.¹

SO ORDERED.

Dated: June 13, 2025

/s/ Kathryn C. Davis
KATHRYN C. DAVIS
Judge

¹ Although the motion did not address appointment of counsel for the subclass, the Court is required to appoint counsel pursuant to RCFC 23(c)(1)(B). *See, e.g., Haggart*, 104 Fed. Cl. at 491.