

## IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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COMMON GROUND HEALTHCARE  
COOPERATIVE,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

No. 17-877

Filed: December 29, 2025

**ORDER**

On December 12, 2025, the parties submitted a Joint Status Report regarding the remaining categories of subclass members with unresolved claims in this case. *See* ECF No. 298. Consistent with the parties' representations, the Court **ORDERS** that the parties submit a Joint Status Report by **no later than February 10, 2026**, updating the Court on the status of (1) whether HMO Louisiana, Inc. (HIOS 19636) intends to proceed with its remaining claims, (2) the settlement negotiations between the CSR Dispute Subclass members and the Government, and (3) the efforts to collect the Tax Identification Numbers of and obtain payment for the CSR Settlement Classes.

In their Joint Status Report, the parties stated that the members of the Not-Pursuing-Claims-Beyond-2017 Subclass have been largely unresponsive<sup>1</sup> to Class Counsel and that the parties agree that each of those subclass members should receive one final notice and opportunity to participate in the settlement. *See id.* at 2–3; *see also* Oral Arg. Tr. at 15:21–18:13, ECF No. 296.

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<sup>1</sup> One of the members of the Not-Pursuing-Claims-Beyond-2017 Subclass, Aspirus Health Plan, Inc., has responded to Class Counsel and intends to settle its claims. *See* ECF No. 298 at 3. However, according to Class Counsel, the other seven members—Premier Health Plan, Inc.; Prominence Healthfirst of Texas, Inc.; Community Health Plan of Washington; New Mexico Health Connections; Prominence Healthfirst; Medica Insurance Company; and Group Health Cooperative of South Central Wisconsin—have not been responsive. *Id.* at 3 n.1.

Accordingly, the Court **ORDERS** the seven Not-Pursuing-Claims-Beyond-2017 Subclass members who have not responded to Class Counsel's communications to provide their positions on whether they intend to settle their claims for 2018–2020 utilizing the proposed methodology, intend to move forward with litigating their claims, or intend to seek voluntary dismissal of their claims. Class Counsel shall serve a copy of this Order on the seven unresponsive Not-Pursuing-Claims-Beyond-2017 Subclass members by first class U.S. mail and, if Class Counsel has such contact information, by electronic mail.

**By no later than January 30, 2026**, Class Counsel shall file a declaration that: (a) summarizes the actions undertaken by Class Counsel to notify the unresponsive Not-Pursuing-Claims-Beyond-2017 Subclass members pursuant to this Order and whether, despite those efforts, the mailing (hard copy or electronic) for any member was returned as undeliverable; (b) identifies any Not-Pursuing-Claims-Beyond-2017 Subclass members that indicated they intend to settle their claims; (c) identifies any Not-Pursuing-Claims-Beyond-2017 Subclass members that indicated they intend to move forward with litigating their claims; (d) identifies any Not-Pursuing-Claims-Beyond-2017 Subclass members that indicated they intend to voluntarily dismiss their claims; and (e) identifies any Not-Pursuing-Claims-Beyond-2017 Subclass members for which Class Counsel did not receive any response.

**Any Not-Pursuing-Claims-Beyond-2017 Subclass member that does not respond to Class Counsel's mailing by the Court's January 30, 2026, deadline will have their claims**

**dismissed for failure to prosecute under Rule 41(b) of the Rules of the United States Court of Federal Claims.**

**SO ORDERED.**

Dated: December 29, 2025

/s/ Kathryn C. Davis

KATHRYN C. DAVIS

Judge