

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

SENDERO HEALTH PLANS, INC.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

Case No. 17-2048
(Judge Silfen)

JOINT STATUS REPORT AND MOTION TO CONTINUE STAY

Pursuant to the Court's October 3, 2023 order, the parties respectfully submit this joint status report to request that the Court continue the stay of this case for 60 days.

As the parties reported to the Court in their September 29, 2023 Joint Status Report, this case is currently stayed because the Government is working with a number of CSR Plaintiffs to determine whether they may efficiently resolve this and other pending CSR matters without further litigation or at least streamline these cases. On October 3, 2023, the Court ordered the parties to file a joint status report on or before November 28, 2023.

Pursuant to the Court's October 3, 2023 order, the parties respectfully submit this Joint Status Report. As stated in the parties' previous Joint Status Report, counsel for the parties have reached a tentative agreement in principle on a methodology by which the parties believe some of these CSR cases can be settled, including this case. This settlement methodology has been reviewed by officials at both the Department of Health and Human Services and the Department of Justice, and the actual settlement of each CSR case applying that methodology must be approved and authorized by Defendant and each participating CSR plaintiff. The parties also are working

to complete a draft form settlement agreement and release to be used by the parties as a template for each case that the parties have agreed to settle.

Defendant expects to share a draft settlement agreement template with plaintiffs by December 1, 2023, and a timeline for its proposed data gathering and verification process to plaintiffs by December 15, 2023. Therefore, the settlement agreement and approval process for these CSR cases will take additional time to complete. We thus respectfully request that the Court continue the stay in this case for 60 days, until Friday, January 26, 2024, at which time the parties propose to update the Court regarding the current status of the settlement process, along with an expected settlement timeline, in this CSR case and others.

November 28, 2023

/s/ William L. Roberts

William L. Roberts

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

OF COUNSEL:

Jonathan W. Dettmann

jon.dettmann@faegredrinker.com

Evelyn Snyder

evelyn.snyder@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.***

Respectfully submitted,

BRIAN M. BOYNTON

Principal Deputy Assistant Attorney General

PATRICIA M. McCARTHY

Director

/s/ Claudia Burke

CLAUDIA BURKE

Deputy Director

/s/ David M. Kerr

DAVID M. KERR

Senior Trial Counsel

Commercial Litigation Branch

Civil Division

U.S. Department of Justice

P.O. Box 480

Ben Franklin Station

Washington, D.C. 20044

Tel. (202) 307-3390

David.M.Kerr@usdoj.gov

OF COUNSEL:

Albert S. Iarossi

Assistant Director

Civil Division

U.S. Department of Justice

Counsel for Defendant The United States