

In the United States Court of Federal Claims

No. 16-259C
(Filed: October 16, 2020)

HEALTH REPUBLIC INSURANCE *
COMPANY, *
*
Plaintiff, *
*
v. *
*
THE UNITED STATES, *
*
Defendant. *

ORDER

On October 15, 2020, plaintiff in the above-captioned case, as representative of the Non-Dispute Subclass, filed a motion for leave to disburse 95% of the funds received in satisfaction of the court’s July 23, 2020 judgment. Plaintiff explains that it has requested that 5% of the funds be paid to class counsel as an attorney’s fee, but that there is no reason to delay distribution of the remaining amount pending the resolution of its attorney’s fee motion. Accordingly, it “seeks leave for the claims administrator to distribute 95% of the funds paid pursuant to the judgment, while holding the remaining 5% in escrow pending resolution of the fee petition,” and “proposes that the fees be distributed pro rata, with each class member receiving 95% of the funds owed to them” in accordance with the exhibit attached to its motion. Plaintiff represents that defendant takes no position on its motion.

For good cause shown, the court **GRANTS** plaintiff’s motion. Plaintiff’s claims administrator, JND Legal Administration, may distribute 95% of the funds recovered by the Non-Dispute Subclass in accordance with the exhibit attached to this order (“Exhibit A”).

IT IS SO ORDERED.

s/ Margaret M. Sweeney
MARGARET M. SWEENEY
Chief Judge

Exhibit A

| HIOS ID | Issuer Name | Net RC Payments | |
|---------|--|-----------------|-----------------|
| | | Balance | 95% Payment |
| 16049 | All Savers Insurance Company | \$6,697,668.39 | \$6,362,784.97 |
| 36373 | All Savers Insurance Company | \$11,449,513.89 | \$10,877,038.20 |
| 36677 | All Savers Insurance Company | \$294,912.81 | \$280,167.17 |
| 39924 | All Savers Insurance Company | \$7,972,985.11 | \$7,574,335.85 |
| 85947 | All Savers Insurance Company | \$62,422,090.52 | \$59,300,985.99 |
| 92137 | All Savers Insurance Company | \$184,407.92 | \$175,187.52 |
| 98971 | All Savers Insurance Company | \$7,002,813.66 | \$6,652,672.98 |
| 67577 | Alliance Health and Life Insurance Company | \$369,880.03 | \$351,386.03 |
| 32536 | ATRIO Health Plans | \$589,657.01 | \$560,174.16 |
| 60536 | Avera Health Plans, Inc. | \$26,120,468.22 | \$24,814,444.81 |
| 74980 | Avera Health Plans, Inc. | \$913,160.23 | \$867,502.22 |
| 15287 | Blue Cross & Blue Shield of Rhode Island | \$381,639.63 | \$362,557.65 |
| 16842 | Blue Cross and Blue Shield of Florida | \$12,018,283.99 | \$11,417,369.79 |
| 18558 | Blue Cross and Blue Shield of Kansas, Inc. | \$38,218,779.37 | \$36,307,840.40 |
| 42690 | Blue Cross and Blue Shield of Massachusetts HMO Blue, Inc. | \$3,275,797.62 | \$3,112,007.74 |
| 26065 | Blue Cross and Blue Shield of South Carolina | \$11,205,576.67 | \$10,645,297.84 |
| 49532 | BlueChoice HealthPlan of South Carolina, Inc. | \$7,837,407.61 | \$7,445,537.23 |
| 27811 | BlueCross BlueShield Kansas Solutions, Inc. | \$12,968,346.42 | \$12,319,929.10 |
| 40586 | Bluegrass Family Health, Inc. | \$4,440,440.13 | \$4,218,418.12 |
| 82569 | Boston Medical Center Health Plan, Inc. | \$1,445,782.89 | \$1,373,493.75 |
| 70285 | CA Physician's Service dba Blue Shield of CA | \$22,807,199.00 | \$21,666,839.05 |
| 45127 | Capital Advantage Assurance Company | \$2,505,542.65 | \$2,380,265.52 |
| 82795 | Capital Advantage Insurance Company CAIC | \$241,532.88 | \$229,456.24 |
| 10207 | CareFirst BlueChoice, Inc. | \$2,560,974.15 | \$2,432,925.44 |
| 28137 | CareFirst BlueChoice, Inc. | \$37,089,252.70 | \$35,234,790.07 |
| 45532 | CareFirst of Maryland, Inc. | \$12,096,305.98 | \$11,491,490.68 |
| 54192 | CareSource Indiana, Inc. | \$1,293,422.26 | \$1,228,751.15 |
| 45636 | CareSource Kentucky Co. | \$3,577,396.03 | \$3,398,526.23 |
| 92551 | CDPHP Universal Benefits Inc. | \$47,697,764.95 | \$45,312,876.70 |
| 47579 | Chinese Community Health Plan | \$593,429.63 | \$563,758.15 |
| 72034 | CHRISTUS Health Plan | \$134,369.02 | \$127,650.57 |
| 63312 | Colorado Choice Health Plans | \$6,659,644.23 | \$6,326,662.02 |

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| 87416 | Common Ground Healthcare Cooperative | \$67,325,233.36 | \$63,958,971.69 |
| 18581 | Community Health Plan of Washington | \$1,187,131.21 | \$1,127,774.65 |
| 98905 | CommunityCare HMO Inc. | \$2,422,216.86 | \$2,301,106.02 |
| 87698 | CommunityCare Life & Health Insurance Co | \$761,894.83 | \$723,800.09 |
| 41895 | Consumers Mutual Insurance of Michigan | \$25,843,655.17 | \$24,551,472.41 |
| 38345 | Dean Health Plan | \$31,644,174.98 | \$30,061,966.23 |
| 66699 | Denver Health Medical Plan, Inc | \$380,764.18 | \$361,725.97 |
| 78124 | Excellus Health Plan, Inc. | \$31,028,716.81 | \$29,477,280.97 |
| 88806 | Fallon Community Health Plan, Inc. | \$1,218,752.09 | \$1,157,814.49 |
| 56503 | Florida Health Care Plan, Inc. | \$719,021.99 | \$683,070.89 |
| 22444 | Geisinger Health Plan | \$36,995,506.57 | \$35,145,731.24 |
| 75729 | Geisinger Quality Options | \$8,372,420.70 | \$7,953,799.67 |
| 94084 | GHMSI | \$4,445,042.32 | \$4,222,790.20 |
| 85408 | GlobalHealth, Inc. | \$6,202,344.71 | \$5,892,227.47 |
| 80473 | Group Health Cooperative | \$521,384.24 | \$495,315.03 |
| 34102 | Group Health Plan, Inc. | \$11,396,084.43 | \$10,826,280.21 |
| 40308 | Group Hospitalization and Medical Services Inc. | \$155,508.63 | \$147,733.20 |
| 27651 | Gundersen Health Plan, Inc. | \$394,393.50 | \$374,673.83 |
| 91058 | Gundersen Health Plan, Inc. | \$6,096,264.82 | \$5,791,451.58 |
| 27357 | Health First Health Plan, Inc. | \$85,751.91 | \$81,464.31 |
| 77150 | Health First Insurance, Inc. | \$1,708,120.48 | \$1,622,714.46 |
| 30252 | Health Options, Inc. | \$9,475,810.73 | \$9,002,020.19 |
| 95865 | Health Plan of Nevada, Inc. | \$643,589.93 | \$611,410.43 |
| 96383 | Health Republic Insurance Company | \$19,565,019.76 | \$18,586,768.77 |
| 47342 | Health Tradition Health Plan | \$1,385,886.58 | \$1,316,592.25 |
| 92036 | HealthSpan | \$12,878,282.88 | \$12,234,368.74 |
| 20126 | HealthSpan Integrated Care | \$21,869,077.92 | \$20,775,624.02 |
| 19636 | HMO Louisiana, Inc. | \$18,013,347.69 | \$17,112,680.31 |
| 21032 | Kaiser Foundation Health Plan of Colo. | \$64,718,412.45 | \$61,482,491.83 |
| 89942 | Kaiser Foundation Health Plan of Georgia | \$10,913,600.35 | \$10,367,920.33 |
| 90296 | Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc. | \$17,630,217.35 | \$16,748,706.48 |
| 94506 | Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc. | \$3,903,893.99 | \$3,708,699.29 |
| 95185 | Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc. | \$34,598,194.30 | \$32,868,284.59 |
| 40513 | Kaiser Foundation Health Plan, Inc. | \$117,740,652.66 | \$111,853,620.03 |

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| 60612 | Kaiser Foundation Health Plan, Inc. | \$34,324,694.58 | \$32,608,459.85 |
| 71287 | Kaiser Foundation Healthplan of the NW | \$9,821,230.13 | \$9,330,168.62 |
| 53789 | Keystone Health Plan Central | \$528,671.99 | \$502,238.39 |
| 67202 | Louisiana Health Cooperative, Inc. | \$45,924,911.89 | \$43,628,666.30 |
| 97176 | Louisiana Health Service & Indemnity Company | \$73,296,024.88 | \$69,631,223.64 |
| 58326 | MercyCare HMO, Inc. | \$2,414,171.05 | \$2,293,462.50 |
| 35334 | MercyCare Insurance Company | \$1,170,713.86 | \$1,112,178.17 |
| 11177 | MetroPlus Health Plan | \$16,424,594.93 | \$15,603,365.18 |
| 11555 | New Health Ventures Inc | \$177,328.66 | \$168,462.23 |
| 82483 | North Shore-LIJ Insurance Company Inc | \$18,002,649.15 | \$17,102,516.69 |
| 20507 | Optima Health Plan | \$2,229,495.98 | \$2,118,021.18 |
| 74289 | Oscar Insurance Corporation | \$58,424,157.02 | \$55,502,949.17 |
| 50221 | Oscar Insurance Corporation of New Jersey | \$2,132,615.32 | \$2,025,984.55 |
| 48834 | Oxford Health Plans (NJ), Inc. | \$1,357,526.59 | \$1,289,650.26 |
| 10091 | PacificSource Health Plans | \$16,892,224.87 | \$16,047,613.63 |
| 23603 | PacificSource Health Plans | \$17,473,387.21 | \$16,599,717.85 |
| 60597 | PacificSource Health Plans | \$3,930,773.68 | \$3,734,235.00 |
| 65441 | PHPS, Inc. (fka Phoenix Health Plans, Inc.) | \$34,931.14 | \$33,184.58 |
| 50816 | Physicians Health Plan of Northern Indiana, Inc. | \$6,370,812.47 | \$6,052,271.85 |
| 58564 | Physicians Plus Insurance Corporation | \$171,543.34 | \$162,966.17 |
| 88102 | PreferredOne Insurance Company | \$45,727,888.21 | \$43,441,493.80 |
| 26734 | Premier Health Plan, Inc. | \$2,572,926.75 | \$2,444,280.41 |
| 57173 | Presbyterian Health Plan, Inc. | \$2,063,703.11 | \$1,960,517.95 |
| 29698 | Priority Health | \$14,688,532.68 | \$13,954,106.05 |
| 29241 | Priority Health Insurance Company (PHIC) | \$5,678,007.91 | \$5,394,107.51 |
| 16698 | Prominence HealthFirst | \$501,439.74 | \$476,367.75 |
| 56707 | Providence Health Plan | \$7,302,569.66 | \$6,937,441.18 |
| 70525 | QCA Health Plan, Inc. | \$3,957,601.38 | \$3,759,721.31 |
| 37903 | QualChoice Life & Health Insurance Company, Inc. | \$4,524,487.98 | \$4,298,263.58 |
| 80208 | Rocky Mountain Health Care Options | \$366,780.94 | \$348,441.89 |
| 97879 | Rocky Mountain HMO | \$34,831,063.53 | \$33,089,510.35 |
| 38166 | Security Health Plan of Wisconsin, Inc. | \$36,886,330.97 | \$35,042,014.42 |
| 26002 | SelectHealth | \$60,598,770.69 | \$57,568,832.16 |
| 68781 | SelectHealth | \$180,603,493.13 | \$171,573,318.47 |

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| 26539 | SHA, LLC DBA FirstCare Health Plans | \$7,356,449.15 | \$6,988,626.69 |
| 92499 | Sharp Health Plan | \$37,507.58 | \$35,632.20 |
| 62210 | South Dakota State Medical Holding Company, Inc. | \$13,269,548.73 | \$12,606,071.29 |
| 52664 | Summa Insurance Company, Inc. | \$2,091,574.38 | \$1,986,995.66 |
| 14650 | Time Insurance Company | \$494,806.51 | \$470,066.18 |
| 19068 | Time Insurance Company | \$1,450,728.94 | \$1,378,192.49 |
| 19524 | Time Insurance Company | \$4,045,974.64 | \$3,843,675.91 |
| 20544 | Time Insurance Company | \$7,352,482.72 | \$6,984,858.58 |
| 24867 | Time Insurance Company | \$253,920.36 | \$241,224.34 |
| 28020 | Time Insurance Company | \$7,661,197.18 | \$7,278,137.32 |
| 29176 | Time Insurance Company | \$568,168.32 | \$539,759.90 |
| 29211 | Time Insurance Company | \$7,321,151.53 | \$6,955,093.95 |
| 39996 | Time Insurance Company | \$1,451,025.54 | \$1,378,474.26 |
| 42260 | Time Insurance Company | \$925,446.08 | \$879,173.78 |
| 60299 | Time Insurance Company | \$234,775.92 | \$223,037.12 |
| 62662 | Time Insurance Company | \$61,174,353.15 | \$58,115,635.49 |
| 67807 | Time Insurance Company | \$1,111,551.75 | \$1,055,974.16 |
| 80863 | Time Insurance Company | \$7,624,448.10 | \$7,243,225.70 |
| 89029 | Time Insurance Company | \$431,897.82 | \$410,302.93 |
| 91842 | Time Insurance Company | \$4,618,815.85 | \$4,387,875.06 |
| 29125 | Tufts Associated Health Maintenance Org | \$285,907.70 | \$271,612.32 |
| 85736 | UCare Minnesota | \$10,464,932.43 | \$9,941,685.81 |
| 71667 | UnitedHealthcare Community Plan, Inc. | \$144,054.47 | \$136,851.75 |
| 31779 | UnitedHealthcare Insurance Company | \$166,087.58 | \$157,783.20 |
| 49650 | UnitedHealthcare Insurance Company | \$497,317.92 | \$472,452.02 |
| 45002 | UnitedHealthcare Life Insurance Company | \$27.28 | \$25.92 |
| 59809 | UnitedHealthcare Life Insurance Company | \$6,577.07 | \$6,248.22 |
| 68259 | UnitedHealthcare of Alabama, Inc. | \$8,688,275.81 | \$8,253,862.02 |
| 68398 | UnitedHealthcare of Florida, Inc. | \$42,820,458.16 | \$40,679,435.25 |
| 43802 | UnitedHealthcare of Georgia, Inc. | \$12,145,393.47 | \$11,538,123.80 |
| 23671 | UnitedHealthcare of Kentucky, Ltd. | \$13,606.24 | \$12,925.93 |
| 38499 | UnitedHealthcare of Louisiana, Inc. | \$4,251,825.74 | \$4,039,234.45 |
| 97560 | UnitedHealthcare of Mississippi, Inc. | \$809,174.17 | \$768,715.46 |
| 79881 | UnitedHealthcare of New England, Inc. | \$635.07 | \$603.32 |
| 54235 | UnitedHealthcare of New York, Inc. | \$909,112.89 | \$863,657.25 |
| 54332 | UnitedHealthcare of North Carolina, Inc | \$18,401,376.06 | \$17,481,307.26 |

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| 33931 | UnitedHealthcare of Ohio, Inc. | \$902,297.30 | \$857,182.44 |
| 24872 | UnitedHealthcare of Pennsylvania, Inc. | \$5,937,531.25 | \$5,640,654.69 |
| 21066 | UnitedHealthcare of the Mid-Atlantic Inc | \$14,598.52 | \$13,868.59 |
| 31112 | UnitedHealthcare of the Mid-Atlantic Inc | \$128,553.76 | \$122,126.07 |
| 16724 | UnitedHealthcare of the Midwest, Inc. | \$115,915.27 | \$110,119.51 |
| 66413 | UnitedHealthcare of Utah, Inc. | \$6,697.41 | \$6,362.54 |
| 37833 | Unity Health Plans Insurance Corporation | \$11,131,237.20 | \$10,574,675.34 |
| 88925 | University of Arizona Health Plans-University Healthcare, Inc. | \$1,750,150.59 | \$1,662,643.06 |
| 75293 | USable Mutual Insurance Company | \$15,919,592.28 | \$15,123,612.67 |
| 67243 | Vantage Health Plan, Inc. | \$1,785,495.97 | \$1,696,221.17 |
| 93689 | Western Health Advantage | \$176,519.93 | \$167,693.93 |
| TOTAL | | \$1,903,662,047.19 | \$1,808,478,944.85 |