

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CAREFIRST ADVANTAGE PPO, INC.,

Plaintiff,

v.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES, *et al.*,

Defendants.

Civil Action No. 26-cv-150

JOINT STATUS REPORT

The Parties, by and through their respective undersigned counsel, hereby submit a joint status report pursuant to this Court's Minute Order of June 9, 2026.

1. Plaintiff CareFirst Advantage PPO, Inc. ("Plaintiff") filed this suit on January 20, 2026, challenging CMS's calculation of Plaintiff's 2026 Star Rating for its Medicare Advantage contract H7379.
2. The Parties completed summary judgment briefing on April 17, 2026.
3. Plaintiff filed a Notice of Supplemental Authority on April 28, 2026.
4. On June 8, 2026, Plaintiff moved this court to hold this case in abeyance for two weeks, through June 22, 2026, due to the U.S. District Court for the Southern District of Georgia's decision in *Clover Insurance Company v. U.S. Department of Health & Human Services*, No. 2:25-cv-00142-LGW-BWC (S.D. Ga. May 27, 2026), which set aside 20 measures used by CMS in calculating Clover Insurance Company's 2026 Star Ratings, including the measure central to this lawsuit (D09).

5. On June 9, the Court granted Plaintiff's motion to hold case in abeyance for two weeks and directed the Parties to submit a joint status report by June 22, 2026.

6. On June 17, 2026, CMS announced in a Health Plan Management System (HPMS) memorandum that, in response to the *Clover* decision, it would recalculate 2027 Quality Bonus Payments "only using data collected under 42 U.S.C. 1395w-22(e) as of November 1, 2003," and proceeded to remove all Part D measures, including D04 and D09, and a number of Part C measures from the recalculation.

7. In that same memorandum, CMS established a deadline of June 22, 2026, for Medicare Advantage plans to indicate whether they intend to resubmit Contract Year 2027 bids based on the recalculation, and set a deadline of June 29, 2026, to resubmit the bids.

8. As of the filing of this joint status report, it is possible that, under Plaintiff's recalculated 2027 Quality Bonus Payments as articulated in the HPMS memo, CareFirst would no longer need to seek relief from this Court.

9. Accordingly, Plaintiff intends to resubmit a bid for H7379 in response to the HPMS memorandum. However, Plaintiff needs until the actual resubmission date of June 29 to continue to evaluate its position and determine whether further relief may be needed from this Court.

10. Given the above, the Parties respectfully propose to submit another joint status report by or before July 3, 2026, and respectfully request that the Court continue to hold this case in abeyance in the interim.

Respectfully submitted this 22nd day of June, 2026.

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