

**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 (AHA)

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 July 7, 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, 2026, the Court granted Plaintiff's motion to hold this 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. On June 22, 2026, the Parties submitted a joint status report to the Court requesting to submit another joint status report by July 3, 2026, and requesting that the Court continue to hold this case in abeyance in the interim.

9. This Court, by way of a minute order entered June 26, 2026, directed that the Parties file another joint status report by July 6, 2026.

10. Consistent with CMS's deadline of June 29, 2026, for Medicare Advantage plans to resubmit bids set forth in the June 17, 2026 HPMS memorandum, Plaintiff resubmitted its Contract Year 2027 bid for H7379, the contract at issue in this case.

11. On July 6, 2026, the Parties submitted a joint status report to the Court requesting to submit another joint status report by July 20, 2026, and requesting that the Court continue to hold this case in abeyance in the interim.

12. This Court, by way of a minute order entered July 7, 2026, directed that the Parties file another joint status report by July 20, 2026.

13. As of the filing of this report, Plaintiff understands that CMS is still reviewing Plaintiff's resubmitted Contract Year 2027 bid for H7379.

14. CareFirst states that it wants to ensure it no longer needs relief from this Court. Accordingly, the Parties respectfully propose to submit another joint status report by October 15, 2026—the commencement of the Annual Election Period—and respectfully request that the Court continue to hold this case in abeyance in the interim.

Respectfully submitted this 20th day of July, 2026.

JEANINE FERRIS PIRRO
United States Attorney

By: /s/ Malcolm McDermond
Malcolm McDermond
Assistant United States Attorney
601 D Street, NW
Washington, DC 20530
(202) 252-1709

Attorneys for the United States of America

/s/ Daniel W. Wolff
Daniel W. Wolff (# 486733)
Crowell & Moring LLP
600 Fifth Street, NW
Washington, DC 20001
(202) 624-2500
dwolff@crowell.com

Steven D. Hamilton (*pro hac forthcoming*)
Crowell & Moring LLP
300 N. LaSalle Drive, Suite 2500
Chicago, IL 60654
(312) 379-7615
shamilton@crowell.com

Attorneys for Plaintiff