

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

COMMUNITY HEALTH CHOICE, INC.)	No. 1:18-cv-00005-MMS
)	
Plaintiff,)	
)	Judge Sweeney
v.)	
)	
THE UNITED STATES,)	
)	
Defendant.)	
_____)	

**PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT**

Pursuant to Rule 15(a) of the Rules of the United States Court of Federal Claims (“RCFC”), Plaintiff Community Health Choice, Inc. (“CHC”), respectfully requests that the Court grant CHC leave to file a First Amended Complaint. CHC has not previously amended its original Complaint of January 2, 2018. (Dkt. No. 1.) Defendant, the United States, does not oppose this motion.

CHC’s original Complaint includes claims for money damages arising out of the Government’s failure to honor its obligations under Section 1342 of the Patient Protection and Affordable Care Act (“ACA”) to make risk corridors payments to CHC. The First Amended Complaint adds claims for money damages regarding the Government’s failure to honor its obligations under Section 1402 of the ACA to make cost-sharing reduction (“CSR”) payments to CHC since October 2017.

RCFC 15(a)(2) states that “[t]he court should freely give leave [to amend] when justice so requires” if amending before trial. The Court should grant CHC’s motion for leave to amend its Complaint because the First Amended Complaint adds claims for millions of dollars in money damages for CSR payments that the Government has unlawfully withheld since October 2017, in violation of Section 1402 of the ACA. Said amendment is timely and will cause no prejudice to the Government, as it is being made before the Government’s answer has been made or is due.

Accordingly, CHC respectfully requests that the Court grant CHC leave to file its First Amended Complaint. If the Court grants CHC’s motion, CHC will then timely file the First Amended Complaint to the docket.

Dated: February 27, 2018

s/ William L. Roberts

William L. Roberts
william.roberts@FaegreBD.com
FAEGRE BAKER DANIELS 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
Community Health Choice, Inc.*

Of Counsel

Jonathan W. Dettmann

jon.dettmann@FaegreBD.com

Evelyn Levine

evelyn.levine@FaegreBD.com

Kelly J. Fermoye

kelly.fermoye@FaegreBD.com

FAEGRE BAKER DANIELS LLP

2200 Wells Fargo Center

90 South Seventh Street

Minneapolis, MN 55402-3901

Telephone: (612) 766-7000

Fax: (612) 766-1600

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2018, a copy of the foregoing Plaintiff's Unopposed Motion for Leave to File First Amended Complaint was filed electronically with the Court's Electronic Case Filing (ECF) system. I understand that notice of this filing will be sent to all parties by operation of the Court's ECF system.

/s/ William L. Roberts

William L. Roberts
Counsel for Plaintiff