



beyond the four corners of the Consent Decree, into the reason why the specific “continue to contract” language did not encompass Medicare Advantage.

In this regard, in the Consent Decree “Medicare” and “Medicare Advantage” are treated collectively as a single vulnerable-population segment -- under the sub-clause “(i)” – in the first sentence of the Vulnerable Populations clause. This would seem to me to bolster the plausibility of the drafter(s) having used the terms “Medicare participating consumers” in the third sentence as a shorthand encompassing the Medicare units previously treated on a collective basis. Particularly in the landscape of the broader understanding, captured in the majority opinion, of the overarching intent to protect members of vulnerable populations – defined as including Medicare Advantage participants – and the *parens patriae* overlay of the case, I support the finding of ambiguity and the consequences flowing from this determination.