

In the United States Court of Federal Claims

No. 18-334C

(E-Filed June 29, 2018)

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HEALTH ALLIANCE MEDICAL)
PLANS, INC.,)
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Plaintiff,)
)
v.)
)
THE UNITED STATES,)
)
Defendant.)
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ORDER

On June 28, 2018, the parties filed a joint status report, pursuant to the court’s order of April 25, 2018. See ECF No. 8. In its order of April 25, 2018, the court stayed this matter pending the resolution of Land of Lincoln Mutual Health Insurance Company v. United States, Case No. 17-1224, and in Moda Health Plan, Inc. v. United States, Case No. 17-1994, before the United States Court of Appeals for the Federal Circuit. ECF No. 7. The parties report that the Federal Circuit issued its decision in these relevant appealed cases on June 14, 2018.

Plaintiff states that in light of the Federal Circuit’s decisions in Moda and Land of Lincoln, “[p]laintiff believes that it would be appropriate for the Court to lift the current stay in this matter” and that plaintiff “intends to file a motion for summary judgment on or before July 13, 2018.” ECF No. 8 at 1. Defendant does not oppose the lifting of the stay, but “proposes that its response to plaintiff’s complaint and motion for summary judgment be due by September 14, 2018,” approximately 60 days from the filing of plaintiff’s motion for summary judgment. Id. at 2. More specifically, defendant states that “the government needs additional time to assess the effect” of Moda and Land of Lincoln. Id.

The court adopts the schedule for further proceedings set forth in the parties’ joint status report. In that regard, the clerk’s office is directed to **LIFT** the stay in this matter. The court notes that summary judgment procedures are described in Rule 56 of

the Rules of the United States Court of Federal Claims (RCFC), and that motions for summary judgment are governed generally by that rule. Nonetheless, the undersigned judge requires, in addition to adherence to the procedural requirements set forth in RCFC 56(c), separately filed statements of the facts that are relied upon by the movant and non-movant. The parties' findings of fact must meet the following requirements:

- (1) In addition to its motion, the moving or cross-moving party must separately file Proposed Findings of Uncontroverted Fact which should contain:
 - (A) concise, separately numbered paragraphs setting forth all of the material facts upon which the party bases its motion and as to which the party believes there is no genuine dispute; and
 - (B) citations to the opposing party's pleadings or to documentary evidence, such as affidavits or exhibits, filed with the motion or otherwise part of the record before the court.
- (2) In addition to its opposition, the opposing party must file a response to the proposed findings which should contain, immediately below each finding:
 - (A) a statement indicating whether the opposing party agrees or disagrees with the finding as written;
 - (B) the basis for any objection to the finding;
 - (C) a proposed revision of the finding; and
 - (D) any proposed findings of uncontroverted fact as to any relevant matters not covered by the moving party.
- (3) Stipulation in Lieu of Proposed Findings of Uncontroverted Fact. The parties need not file the documents identified in numbered paragraphs (1) and (2) of this order if they file, no later than the time of the initial motion for summary judgment, a comprehensive stipulation of all the material facts upon which they intend to rely.

Thus, to ensure efficient consideration of summary judgment motions filed in this case, the parties must adhere to both the rules of this court and the requirements set forth in this order. Accordingly, it is hereby **ORDERED** that

- (1) Plaintiff's **motion for summary judgment** and **proposed findings of uncontroverted fact** shall be **FILED** on or before **July 13, 2018**;

- (2) Defendant's **response to plaintiff's motion for summary judgment and/or cross motion**, along with **defendant's response to plaintiff's proposed findings of uncontroverted fact** shall be **FILED** on or before **September 14, 2018**; and
- (3) All response/reply briefs shall be filed pursuant to this court's rules and the requirements set forth in this order.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
PATRICIA E. CAMPBELL-SMITH
Judge