

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

COMMUNITY HEALTH CHOICE, INC.,	:	
	:	
Plaintiff,	:	
	:	Case No. 18-5C
v.	:	
	:	Judge Sweeney
THE UNITED STATES OF AMERICA,	:	
	:	
Defendant.	:	

JOINT STATUS REPORT AND REQUEST TO CONTINUE STAY OF PROCEEDINGS

On March 7, 2018, the Court stayed this case pending the Federal Circuit’s decisions in *Land of Lincoln Mutual Health Insurance Company v. United States*, No. 17-1224, and *Moda Health Plan, Inc. v. United States*, No. 17-1994. Docket No. 9. As numerous judges of this Court have recognized, the risk corridors issues involved in *Land of Lincoln* and *Moda* are nearly identical or substantially similar to those involved in the 50 or so other risk corridors cases pending before this Court seeking recovery of additional payments under the risk corridors program created by section 1342 of the Patient Protection and Affordable Care Act, 42 U.S.C. § 18062.

The Court required the parties to submit a status report within 30 days following the *Land of Lincoln* and *Moda* decisions. Docket No. 9. On June 14, 2018, the Federal Circuit decided *Land of Lincoln* and *Moda*. No. 17-1224, Docket No. 166-1; No. 17-1994, Docket No. 87-1. The Federal Circuit reversed the judgment in the insurer’s favor in *Moda* and affirmed the judgment in favor of the United States in *Land of Lincoln*.

The parties have consulted and have agreed to the following: As to the risk corridors claims, the parties have agreed to a continuation of the stay now in effect through the time provided in the appellate court’s rules for the filing of a petition for rehearing and/or rehearing en banc, Fed. Cir.

R. 35, 40, and through the resolution of any petition for a writ of certiorari. The parties propose that they be required to file a status report with this Court within 15 days after the judgments in *Moda* and *Land of Lincoln* have become final and non-appealable.

As to the cost-sharing reduction claims, the parties have agreed to a lifting of the stay, with the United States' response to those claims in the amended complaint due by September 26, 2018.

Dated: July 16, 2018

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Respectfully submitted,

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