

In the United States Court of Federal Claims

No. 17-2057C
(Filed: February 7, 2018)

 MAINE COMMUNITY HEALTH *
 OPTIONS, *
 *
 Plaintiff, *
 *
 v. *
 *
 THE UNITED STATES, *
 *
 Defendant. *

ORDER

On February 6, 2018, defendant filed a motion to stay proceedings in the above-captioned case pending a decision by the United States Court of Appeals for the Federal Circuit (“Federal Circuit”) in Land of Lincoln Mutual Health Insurance Co. v. United States, No. 2017-1224, and/or Moda Health Plan, Inc. v. United States, No. 2017-1994, or, in alternative, for a sixty-day enlargement of time to respond to plaintiff’s complaint and plaintiff’s motion for summary judgment. The same day, plaintiff filed a motion for a pretrial conference to establish a schedule for the expeditious resolution of the case. Defendant represents in its motion, and plaintiff confirms in its motion, that plaintiff objects to defendant’s request for a stay and its alternative request for an enlargement of time.

The court has reviewed both motions and finds that responses are unnecessary. As it has noted in earlier-filed Affordable Care Act cases,¹ the court believes that the analysis set forth in the Federal Circuit’s decisions in Land of Lincoln and/or Moda Health Plan may provide guidance that would benefit its resolution of the Affordable Care Act cases on its docket.² Accordingly, the court **GRANTS** defendant’s motion to stay proceedings and **DENIES**

¹ Common Ground Healthcare Coop. v. United States, No. 17-877C; Health Republic Ins. Co. v. United States, No. 16-259C.

² Although the court stayed proceedings in Common Ground Healthcare before the plaintiff amended its complaint to include allegations concerning the government’s failure to make cost-sharing reduction (“CSR”) payments, the parties agreed during a subsequent status conference that proceedings should remain stayed because the Federal Circuit’s decisions in Land of Lincoln and/or Moda Health Plan might bear on the plaintiff’s CSR payment claims.

plaintiff's motion for a pretrial conference. Proceedings shall remain **STAYED** until the Federal Circuit issues a decision in Land of Lincoln and/or Moda Health Plan. Once a decision is issued, defendant shall have **sixty days** in which to respond to plaintiff's complaint and plaintiff's motion for summary judgment.

IT IS SO ORDERED.

s/ Margaret M. Sweeney
MARGARET M. SWEENEY
Judge