

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

_____)	
MONTANA HEALTH CO-OP,)	
)	
Plaintiff,)	
)	Case No. 18-143C
v.)	Judge Elaine D. Kaplan
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	
_____)	

**UNOPPOSED MOTION FOR AN EXTENSION OF TIME IN WHICH TO FILE
PLAINTIFF’S RESPONSE TO DEFENDANT’S MOTION TO DISMISS, AND
DEFENDANT’S RESPONSE THERETO**

Plaintiff Montana Health CO-OP respectfully requests a 3-day extension of time, to and including **Monday, July 2, 2018**, for Plaintiff to file its response to Defendant’s Motion to Dismiss in this case, and a 28-day extension of time, to and including **Friday, August 13, 2018** (a date selected in consultation with Defendant), for Defendant to file its response thereto. The parties have conferred and Defendant does not oppose this motion.

On January 30, 2018, Plaintiff filed its Complaint. On March 22, 2018, Defendant filed its Motion to Stay, requesting a stay of the case or in the alternative for a 60-day enlargement of time to respond to Plaintiff’s Complaint. The Court denied the stay request, but granted the unopposed enlargement of time. Defendant subsequently filed its Motion to Dismiss on June 1, 2018, and Plaintiff’s response is currently due June 29, 2018. On June 14, 2018, the Federal Circuit issued decisions in *Moda Health Plan, Inc. v. United States*, No. 17-1994, and *Land of Lincoln Mutual Health Insurance Co. v. United States*, No. 17-1224, which dealt with the Government’s obligation to pay insurers under the risk corridors program, which—like the Cost

Sharing Reduction program at issue in the case at hand—is another program under the Affordable Care Act.

The parties conferred and Plaintiff respectfully requests a 3-day extension of time, to and including July 2, 2018, for Plaintiff to file its response to Defendant’s Motion to Dismiss, and a 28-day extension of time, to and including August 13, 2018, for Defendant to file its response to Plaintiff’s brief.

Dated: June 26, 2018

Respectfully submitted,

/s/ Stephen McBrady
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CERTIFICATE OF SERVICE

I certify that on June 26, 2018, a copy of the forgoing motion was filed electronically using the Court's Electronic Case Filing (ECF) system. I understand that notice of this filing will be served on Defendant's Counsel via the Court's ECF system.

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