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Peter R. Marksteiner
Clerk of Court
United States Court of Appeals for the Federal
Circuit
717 Madison Place NW
Washington, D.C. 20439

RE: Blue Cross and Blue Shield of North Carolina v. US, Appeal No. 17-2154

Dear Mr. Marksteiner,

Appellant Blue Cross and Blue Shield of North Carolina (BCBSNC) writes in response to this Court's request on June 18, 2018 that the parties in this case submit letters addressing the impact of the Court's June 14, 2018 decisions in *Moda Health Plan, Inc. v. United States*, 17-1994, and *Land of Lincoln Mutual Health Insurance Co. v. United States*, 17-1224 on this case.

While BCBSNC respectfully disagrees with certain aspects of the decisions of the panel in *Moda* and *Lincoln*, BCBSNC acknowledges that the decisions presently are controlling in this case. As a result, BCBSNC has conferred with the government and the parties are in agreement that judgment should be entered in this case based on the holding in those decisions without the need for further briefing or argument. BCBSNC intends to seek an *en banc* rehearing and expeditious entry of judgment will permit coordination of all *en banc* requests in the pending risk corridors cases.

Therefore, BCBSNC respectfully requests that the Court immediately enter judgment in this appeal so that BCBSNC is afforded the opportunity to file its petition for rehearing *en banc* in conjunction with *Moda* and *Land of Lincoln*.

Very truly yours,

/s/Lawrence S. Sher
Lawrence S. Sher
Colin E. Wrabley

CC: Counsel of Record via CM/ECF System