

2017-1224

**United States Court of Appeals
for the Federal Circuit**

LAND OF LINCOLN MUTUAL HEALTH INSURANCE COMPANY, an
Illinois Non-Profit Mutual Insurance Corporation,

Plaintiff – Appellant

v.

UNITED STATES

Defendant – Appellee.

*Appeal from the United States Court of Federal Claims
in Case No. 1:16-Cv-00744-CFL, Judge Charles F. Lettow*

**MOTION FOR LEAVE OF *AMICUS CURIAE* NATIONAL ALLIANCE OF
STATE HEALTH CO-OPS TO FILE BRIEF IN SUPPORT OF PLAINTIFF-
APPELLANT’S MOTION TO SUBMIT RELATED APPEALS TO THE
SAME PANEL FOR ARGUMENT AND DECISION**

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May 19, 2017

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

LAND OF LINCOLN MUTUAL HEALTH
INSURANCE COMPANY, an Illinois Non-Profit
Mutual Insurance Corporation

v. UNITED STATES

Case No. 2017-1224

CERTIFICATE OF INTEREST

Counsel for the:

(petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)

NATIONAL ALLIANCE OF STATE HEALTH CO-OPs

certifies the following (use "None" if applicable; use extra sheets if necessary):

1. Full Name of Party Represented by me	2. Name of Real Party in interest (Please only include any real party in interest NOT identified in Question 3) represented by me is:	3. Parent corporations and publicly held Companies that own 10% or more of stock in the party
NATIONAL ALLIANCE OF STATE HEALTH CO-OPS	NATIONAL ALLIANCE OF STATE HEALTH CO-OPS	None

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

Barak A. Bassman and Marc D. Machlin
PEPPER HAMILTON LLP

May 19, 2017
Date

/s/ Barak A. Bassman
Signature of Counsel

Please Note: All questions must be answered

/s/ Barak A. Bassman
Printed name of counsel

cc:

**MOTION FOR LEAVE TO FILE BRIEF AS *AMICUS CURIAE* IN
SUPPORT OF PLAINTIFF-APPELLANT’S MOTION TO SUBMIT
RELATED APPEALS TO THE SAME PANEL FOR ARGUMENT AND
DECISION**

Amicus Curiae National Alliance of State Health CO-OPs

(“NASHCO”) respectfully moves this Court for leave to file the attached proposed brief to support the motion of Plaintiff-Appellant Land of Lincoln Mutual Health Insurance Company (“Land of Lincoln”) to Submit Related Appeals to the Same Panel for Argument and Decision (ECF No. 121).

NASHCO is a non-profit trade association that consists of non-profit Consumer Operated and Oriented Plans established pursuant to the Patient Protection and Affordable Care Act (“ACA”). NASHCO has a strong interest in this appeal, which NASHCO previously established in its filed *amicus* brief supporting Land of Lincoln on the merits (ECF No. 22). All of NASHCO’s members participated in the risk corridors program. Collectively, they are owed over \$100 million in unpaid risk corridor receivables. Four of NASHCO’s members have filed suit against the government in the United States Court of Federal Claims seeking recovery of these unpaid risk corridors payments. Accordingly, NASHCO has a significant interest in ensuring that the Court is presented with a complete and accurate recitation of the legal arguments and facts involved.

NASHCO's *amicus* brief will assist the Court in its decision as it clarifies a misrepresentation contained in the government's opposition to Land of Lincoln's motion (ECF No. 123). The government purported to speak on behalf of certain NASHCO members and misrepresented their position regarding Land of Lincoln's motion. NASHCO clarifies the position of its members and reaffirms its support for Land of Lincoln. Land of Lincoln consented to this motion; the government refused consent.

For the foregoing reasons, NASHCO respectfully requests that the Court grant its motion for leave to file the attached brief as *amicus curiae* in support of Land of Lincoln's joinder motion.

Dated: May 19, 2017

Respectfully submitted,

/s/ Barak A. Bassman

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CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2017, I electronically filed the foregoing motion with the Clerk of the United States Court of Appeals for the Federal Circuit using the CM/ECF system, which will send notice of such filing to all registered CM/ECF users.

/s/ Barak A. Bassman