

In the United States Court of Federal Claims

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BLUE CROSS AND BLUE SHIELD OF)		
FLORIDA, INC.,)		
)		
Plaintiff,)	No. 18-1791C	
)		
v.)	Filed: November 26, 2018	
)		
THE UNITED STATES,)		
)		
Defendant.)		
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ORDER

The above-captioned matter is similar to several cases in which a plaintiff seeks to recover monies allegedly due from the United States for violation of the Patient Protection and Affordable Care Act, Pub. L. 111-148, 124 Stat. 119 (Mar. 23, 2010) (the “ACA”), breach of contract, and takings. In this particular action, plaintiff alleges that it is entitled to recover at least \$223 million in damages and other relief from the United States for violation of Section 1402 of the ACA and its implementing regulations, for breach of the government’s obligation to provide reductions in costs for certain health insurance sold and to reimburse the insurer for those reductions, and for breach of the government’s payment obligations under an alleged implied-in-fact contract. *See generally* Compl. (docket entry no. 1). At least one plaintiff in a similar case, *Moda Health Plan, Inc. v. United States*, 892 F.3d 1311 (Fed. Cir. 2018), *reh’g en banc denied*, No. 17-1994 (Fed. Cir. Nov. 6, 2018) (“*Moda*”), has recently indicated that it may file a writ of certiorari in the Supreme Court of the United States to review the decision of the United States Court of Appeals for the Federal Circuit in that case.

In light of the foregoing, the parties shall **FILE** a Joint Status Report stating their respective views on whether this matter should be stayed pending final resolution of the *Moda* appellate litigation on or before **December 10, 2018**.

IT IS SO ORDERED.

s/ Lydia Kay Griggsby _____
LYDIA KAY GRIGGSBY
Judge