

**IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

NORTHERN ARAPAHO TRIBE, on its)	
own behalf and on behalf of its members,)	
)	
Plaintiff-Appellant,)	
)	
v.)	Civil Action No. 15-8099
)	
ALEX M. AZAR, II, Secretary of Health)	
and Human Services, et al.,)	
)	
Defendants-Appellees.)	

JOINT STATUS REPORT

On August 17, 2018, the Court granted the parties’ request to continue to hold this matter in abeyance, but ordered the parties to file a particularized status report on or before October 16, 2018. This report is filed in response.

This case concerns the applicability of certain provisions of The Patient Protection and Affordable Care Act of 2010 (“ACA”) and its implementing regulations to Native American Tribes. *See Order, Northern Arapaho Tribe v. Burwell*, No. 14-CV-00247-SWS, Dkt. No. 41. More specifically, the case concerns whether Indian Tribes, such as Appellant, are subject to the ACA’s large employer shared responsibility provision, 26 U.S.C. §4980H.

On May 23, 2018, Senator Daines introduced legislation that would expressly exclude Indian Tribes from the definition of “large employer” under §4980H, retroactive to December 31, 2014. The bill remains pending in the Senate.

Accordingly, the parties respectfully request that the Court continue to hold this appeal in abeyance, with a status report due in 60 days, so as to provide Congress with additional time to act.

Dated this 16th day of October, 2018.

Respectfully submitted,

/s/ Kelly A. Rudd
Andrew W. Baldwin
Berthenia S. Crocker
Kelly A. Rudd
Baldwin, Crocker & Rudd, P.C.
P.O. Box 1229
Lander, WY 82520
(307) 332-3385

Attorneys for Appellant

/s/ Gerard Sinzdak
Alisa B. Klein
Gerard Sinzdak
Civil Division
Department of Justice
950 Pennsylvania Ave., NW, Rm. 7242
Washington, DC 20530
(202) 514-0718

Attorneys for Appellees

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2018, I electronically filed the foregoing motion with the Clerk of Court by using the appellate CM/ECF system. Service will be accomplished by the appellate CM/ECF system.

/s/ Kelly A. Rudd
Kelly A. Rudd