

2018, in *Texas I*, the parties agreed to share information concerning the calculation of plaintiffs' HIPF reimbursements to managed care organizations. The parties will report their progress to the Court by November 28, 2018, and advise whether (a) they need more time, (b) have reached agreement on disgorgement amounts, or (c) have come to an impasse. *Texas I*, ECF No. 119.

3. In the instant case, the Court has ordered the Parties to confer and prepare a Joint Report by November 14, 2018. ECF No. 24 at 2. The Parties conferred on October 31, 2018, and November 8, 2018, and reached an agreement to file this joint motion.

4. *Texas I* is nearing a stage that will allow the parties to pursue their appeals in the Fifth Circuit. Moreover, the ultimate resolution in *Texas I* may have an impact on the disposition of the instant case. Accordingly, the Parties believe the Court should stay this case pending final resolution of *Texas I*.

5. "[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. N. American Co.*, 299 U.S. 248, 254 (1936).

6. "[A] stay pending the outcome of litigation in another court between the same parties, involving the same or controlling issues, is an appropriate means of avoiding unnecessary waste of judicial resources." *Wolf Designs, Inc. v. Donald McEvoy Ltd., Inc.*, 341 F. Supp. 2d 639, 642 (N.D. Tex. 2004) (citing *ACF Industries, Inc. v. Guinn*, 384 F.2d 15, 19 (5th Cir. 1967)); accord *Greco v. NFL*, 116 F. Supp. 3d 744, 761 (N.D. Tex. 2015).

7. A stay of this case will preserve judicial resources as the Parties work toward finality in *Texas I*. It will also allow the Fifth Circuit to resolve legal issues that may provide guidance to the Parties and the Court in litigating and resolving this case in the future.

WHEREFORE, the Parties respectfully request that the Court stay this litigation and order them to file a report in 90 days as to whether this case should remain stayed.

Respectfully submitted this the 14th day of November, 2018.

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CERTIFICATE OF CONFERENCE

I hereby certify that, on November 8 and 13, 2018, Plaintiffs' counsel conferred with Defendants' counsel concerning this motion. Defendants advised Plaintiffs that they join the motion.

/s/ David J. Hacker
DAVID J. HACKER

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2018, I electronically filed the foregoing document through the Court's ECF system, which automatically serves notification of the filing on counsel for all parties.

/s/ David J. Hacker
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