

In the United States Court of Federal Claims

No. 17-877C
(Filed: March 25, 2019)

COMMON GROUND HEALTHCARE *
COOPERATIVE, *
*
Plaintiff, *
*
v. *
*
THE UNITED STATES, *
*
Defendant. *

ORDER

On March 22, 2019, the parties in the above-captioned case filed a joint status report setting forth their respective positions regarding whether the court should enter a judgment pursuant to Rule 54(b) of the Rules of the United States Court of Federal Claims (“RCFC”) for the amount due to the cost-sharing reduction class for 2017. Plaintiff advocates for the entry of such a judgment, while defendant argues that such a judgment is inappropriate. The court has considered the parties’ positions and concludes that defendant is correct. Plaintiff’s complaint includes only a single claim to recover cost-sharing reduction payments (not claims for each year). Moreover, the entry of a judgment for each year at issue would likely lead to multiple appeals, wasting the resources of the parties and the United States Court of Appeals for the Federal Circuit (“Federal Circuit”), especially given that the Federal Circuit already has three cost-sharing reduction appeals on its docket, and that the cost-sharing reduction class’s sole claim—a violation of statute and regulation—is at issue in all three of those appeals. In short, the court does not find, as required by RCFC 54(b), that there is no just reason for delay.¹ Accordingly, the court will not enter judgment at this time.

IT IS SO ORDERED.

s/ Margaret M. Sweeney
MARGARET M. SWEENEY
Chief Judge

¹ The concern expressed by plaintiff that absent a judgment, the positions of the cost-sharing reduction class will not be considered by the Federal Circuit may be remedied by plaintiff seeking leave to file an amicus curiae brief with the Federal Circuit.