

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

SANFORD HEALTH PLAN; MONTANA
HEALTH CO-OP,

Plaintiffs-Appellees,

v.

UNITED STATES,

Defendant-Appellant.

Nos. 2019-1290(L) &
2019-1302

COMMUNITY HEALTH CHOICE,
Plaintiff-Appellee,

v.

UNITED STATES,

Defendant-Appellant.

No. 2019-1633

**UNOPPOSED MOTION TO FILE A SINGLE REPLY BRIEF IN THE
ABOVE-CAPTIONED CASES**

The government respectfully moves to for leave to file a single reply brief in the above-captioned cases. This motion is unopposed.

1. In about a dozen Tucker Act cases, insurers allege that they are owed payments under the cost-sharing reduction program established by section 1402 of the Patient Protection and Affordable Care Act. The above-captioned cases are the lead appeals. *Sanford* and *Montana* were consolidated on appeal. Those consolidated appeals have been designated as companion cases with *Community Health Choice*.

2. The government's opening brief in the *Sanford/Montana* appeals was filed on March 22, 2019. The government's opening brief in *Community Health Choice* is

due May 7, 2019.

3. To avoid burdening the Court with duplicative briefing, the government respectfully requests leave to file a single reply brief in the above-captioned cases. The reply brief would be due after the later-filed appellee's brief, which under the existing briefing schedules will be the appellee's brief in *Community Health Choice*.

4. Counsel for each of the plaintiffs has authorized us to state that this motion is unopposed.

Respectfully submitted,

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s/ Alisa B. Klein
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APRIL 2019

CERTIFICATE OF COMPLIANCE

I certify that this document complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), it contains 177 words.

s/ Alisa B. Klein

Alisa B. Klein

CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2019, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Alisa B. Klein

Alisa B. Klein