

In the United States Court of Federal Claims

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GUIDEWELL MUTUAL HOLDING)		
CORPORATION, <i>et al.</i> ,)		
)		
Plaintiffs,)	No. 18-1791C	
)		
v.)	Filed: May 15, 2019	
)		
THE UNITED STATES,)		
)		
Defendant.)		
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STAY ORDER

The above-captioned matter is one of several cases currently pending before this Court and the United States Court of Appeals for the Federal Circuit in which a plaintiff seeks to recover unpaid cost-sharing reduction payments from the government pursuant to Section 1402 of the Patient Protection and Affordable Care Act (the “ACA”). *See generally* Compl. In this particular action, Guidewell Mutual Holding Corp., *et al.* (“Guidewell”) alleges statutory and breach of contract claims against the government to recover certain payments due, pursuant to the ACA’s cost-sharing reduction program. *Id.* Similar cases, including *Sanford Health Plan v. United States*, 139 Fed. Cl. 701 (2018), *appeal docketed*, No. 12-1290 (2018) (“*Sanford*”); *Montana Health Co-Op v. United States*, 139 Fed. Cl. 213 (2018), *appeal docketed*, No. 19-1302 (2018) (“*Montana*”); and *Community Health Choice, Inc. v. United States*, 141 Fed. Cl. 744 (2019), *appeal docketed*, No. 19-1633 (2019) (“*Community Health*”), are currently pending before the Federal Circuit.¹

On May 1, 2019, the Court directed the parties to submit a joint status report indicating their respective views on whether this matter should be stayed pending the resolution of *Sanford* and *Community Health* (docket entry no. 19). On May 14, 2019, the parties filed a joint status report in which the government stated that it believes that the Court should stay this case pending

¹ *Sanford* and *Montana* have been consolidated, with *Sanford* being the lead case. Appeal Order, No. 19-1290, dated December 14, 2018. *Community Health* is a companion case to *Sanford*. Appeal Order, No. 19-1633, dated March 6, 2019.

the resolution of *Sanford* and *Community Health*, because those cases present the same legal issues as raised in this action (docket entry no. 20). In the joint status report, Guidewell stated that it believes that the Court should not stay this case because, among other things, the balance of interests weighs against a stay and the timely exercise of jurisdiction weighs in favor of declining to enter a stay. *Id.*

It is well-established that the Court's power to stay proceedings is:

[I]ncidental to the power inherent in every court to control the disposition of the causes in its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance.

Landis v. North American Co., 299 U.S. 248, 254-55 (1936) (citations omitted). The Court's discretion in staying its proceedings is, however, not without bounds. "A stay so extensive that it is 'immoderate or indefinite' may be an abuse of discretion." *Cherokee Nation of Oklahoma*, 124 F.3d 1413, 1416 (Fed. Cir. 1997) (citations omitted). And so, the Court must balance the interests favoring a stay against the interests frustrated by such an action. *Id.* at 1416.

In light of the forgoing, and the parties' statements in the joint status report, the Court **STAYS** further proceedings in this matter pending decisions by the Federal Circuit in *Sanford* and *Community Health*. The parties shall **FILE** a joint status report within fourteen days after the Federal Circuit issues a decision in *Sanford* or *Community Health*, whichever decision occurs first, stating their respective views on: (1) whether the Court should continue the stay of this matter; (2) the impact of the Federal Circuit's decisions on the parties' respective dispositive motions; and (3) how this matter should proceed.

IT IS SO ORDERED.

s/ Lydia Kay Griggsby
LYDIA KAY GRIGGSBY
Judge