

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 1, 2019	
)		
THE UNITED STATES,)		
)		
Defendant.)		
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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.*

There are several pending matters before the United States Court of Appeals for the Federal Circuit that raise essentially identical legal and factual issues as those presented in Guidewell’s complaint. *See 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*”).¹ It is well-established that the Court’s power to stay proceedings

[I]s incidental 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.

¹ On March 22, 2019, the government filed the appellant’s brief in *Sanford* and *Montana* (docket entry no. 21)

Landis v. North American Co., 299 U.S. 248, 254-55 (1936) (citations omitted). And so, the Court must balance the interests favoring stay against interests frustrated by such an action. *See Cherokee Nation of Oklahoma v. United States*, 124 F.3d 1413, 1416 (Fed. Cir. 1997).

In light of the foregoing, the parties shall **FILE** a Joint Status Report stating their respective views on whether this matter should be stayed, pending the Federal Circuit's resolution of *Sanford and Montana*, on or before **May 14, 2019**.

IT IS SO ORDERED.

s/ Lydia Kay Griggsby
LYDIA KAY GRIGGSBY
Judge