

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 FOR 11-DAY EXTENSION OF TIME
TO FILE REPLY BRIEF**

With leave of this Court, the government will be filing a single reply brief in the above-captioned cases. For the following reasons, the government respectfully requests an 11-day extension, to and including **July 12, 2019**, in which to file the reply brief. 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. With leave of this Court, the government will be filing a single reply brief in the above-captioned cases. *See* 4/25/19 Order. Pursuant to this Court's order, the reply brief is currently due July 1, 2019, which is 21 days after the appellee's brief was filed in No. 19-1633 (the *Community Health Choice* appeal).

3. We respectfully request an 11-day extension, to and including July 12, 2019, in which to file the reply brief. The requested extension is necessary to ensure adequate time to respond to the briefs filed by plaintiffs and amici. The extension is also necessary in light of other deadlines faced by government counsel. The government's reply briefs in *Gresham v. Azar*, Nos. 19-5094 & 19-5096 (D.C. Cir.), and *Stewart v. Azar*, Nos. 19-5095 & 19-5097 (D.C. Cir.), are due July 18 pursuant to an expedited briefing schedule.

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

Respectfully submitted,

MARK B. STERN

s/ Alisa B. Klein

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JUNE 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 265 words.

s/ Alisa B. Klein

Alisa B. Klein

CERTIFICATE OF SERVICE

I hereby certify that on June 19, 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