

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

HARVARD PILGRIM HEALTH CARE, INC., )  
HPHC INSURANCE COMPANY, INC., and )  
HARVARD PILGRIM HEALTH CARE OF )  
NEW ENGLAND, INC., )

Plaintiffs, )

v. )

THE UNITED STATES OF AMERICA, )

Defendant. )

No. 17-1350C

Judge Lydia Kay Griggsby

**JOINT STATUS REPORT AND REQUEST  
TO CONTINUE STAY OF PROCEEDINGS**

On September 29, 2017, the Court stayed this case at the parties’ request pending the Federal Circuit’s decisions in *Land of Lincoln Mutual Health Insurance Company v. United States* (“*Land of Lincoln*”), No. 17-1224 (Fed. Cir.), and *Moda Health Plan, Inc. v. United States* (“*Moda*”), No. 17-1994 (Fed. Cir.). Dkt. 6. On June 28, 2018, the Court continued the stay “until the Federal Circuit issues mandates in *Land of Lincoln* and *Moda* and any petition for a writ of certiorari before the Supreme Court is resolved.” Dkt. 10. On June 24, 2019, the Supreme Court granted petitions for certiorari in *Land of Lincoln* and *Moda*, as well as a companion case, *Maine Community Health Options v. United States* (“*Maine*”). See *Maine*, No. 18-1023 (U.S. June 24, 2019), available at 2019 WL 465375; *Moda*, No. 18-1028 (U.S. June 24, 2019), available at 2019 WL 465446; *Land of Lincoln*, No. 18-1038 (U.S. June 24, 2019), available at 2019 WL 499243. On July 1, 2019, the Court required the parties to submit a joint status report by July 12, 2019, “stating their respective views regarding whether the stay of proceedings in this matter should continue, pending resolution of *Land of Lincoln* and *Moda*.” Dkt. 11.

Because the legal and factual issues in this case, regarding whether the United States is obligated to pay certain sums to Plaintiffs under the Affordable Care Act's risk corridors program, are identical to those in *Maine, Moda*, and *Land of Lincoln*, in order to conserve the resources of the parties and this Court, the parties respectfully request that the Court continue the stay in this case until the Supreme Court has issued an opinion in *Moda, Maine*, and *Land of Lincoln*. The parties propose that they be required to file a status report with this Court within 30 days after the Supreme Court has issued its opinion.

Dated: July 12, 2019

Respectfully submitted,

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