

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

LINDA A. LACEWELL, in her capacity as)	
Liquidator of Health Republic Insurance)	
of New York, Corp.,)	
)	No. 17-1185C
Plaintiff,)	
)	
v.)	Judge Victor J. Wolski
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	
<hr/>)	

JOINT STATUS REPORT AND REQUEST TO CONTINUE STAY OF PROCEEDINGS

Pursuant to the Court’s April 15, 2019 Order (Dkt. 18), the parties¹ submit this Joint Status Report requesting that the Court continue the stay of this action until the Supreme Court rules on the consolidated appeal in *Land of Lincoln Mutual Health Insurance Co. v. United States*, No. 17-1224, *Moda Health Plan, Inc. v. United States*, No. 17-1994, and *Maine Community Health Options v. United States*, No. 16-967. The parties will file a joint status report within 14 days of the disposition of the consolidated appeal. Additionally, the parties request that, should the Court continue the stay, the Court’s Order permit either party to request a status conference to address the stay at any time.

The Supreme Court has granted certiorari in *Land of Lincoln, Moda, and Maine Community Health* and consolidated those appeals. As detailed in the parties’ initial Joint Motion to Stay Proceedings (Dkt. 6), the legal issues presented in certain claims in this case are similar to the issues relating to the risk corridors program raised in the consolidated *Land of Lincoln, Moda, and Maine Community Health* appeals. Thus, a continued stay here will

¹ Linda A. Lacewell has succeeded Maria T. Vullo as Liquidator of Health Republic Insurance of New York Corp., and is automatically substituted as a party in this matter pursuant to R.C.F.C. 25(d).

conserve judicial resources and the resources of both parties by potentially reducing the amount of briefing of issues pending before the Supreme Court and this Court.

Dated: July 1, 2019

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

RUTH A. HARVEY
Director
Commercial Litigation Branch

KIRK T. MANHARDT
Deputy Director

/s/Marc S. Sacks
MARC S. SACKS
FRANCES M. MCLAUGHLIN
PHILLIP M. SELIGMAN
TERRANCE A. MEBANE
L. MISHA PREHEIM
Commercial Litigation Branch
Civil Division
United States Department of Justice
P.O. Box 875
Ben Franklin Station
Washington D.C. 20044
Tel (202) 307-1104
Fax (202) 514-9163
marcus.s.sacks@usdoj.gov

Attorneys for the United States of America

CLARICK GUERON REISBAUM LLP

/s/Nicole Gueron

NICOLE GUERON

GREGORY A. CLARICK

MELISSA C. HOLSINGER

220 Fifth Avenue, 14th Floor

New York, NY 10001

Tel (212) 633-4310

ngueron@cgr-law.com

*Attorneys for Plaintiff Linda A. Lacewell, in
her capacity as Liquidator of Health
Republic Insurance of New York, Corp.*