

In the United States Court of Federal Claims

No. 17-957C

(Filed: April 11, 2019)

DOUG OMMEN, in his capacity as)
Liquidator of CoOportunity Health, Inc.,)
and DAN WATKINS, in his capacity as)
Special Deputy Liquidator of)
CoOportunity Health, Inc.,)
))
Plaintiffs,)
))
v.)
))
UNITED STATES,)
))
Defendant)

ORDER

Pending before the court is plaintiffs’ unopposed motion to continue hearing on the government’s motion to dismiss, filed yesterday, April 10, 2019. Plaintiffs note that the case involves aspects of the “risk corridor” provisions of the Affordable Care Act, and they represent that a petition for a writ of certiorari has been filed with the Supreme Court in *Moda Health Plan, Inc. v. United States*, No. 18-1028, that bears directly on these provisions. Plaintiffs suggest that the hearing in this case be deferred until after the Supreme Court reaches a disposition of the pending petition in *Moda Health*. The government reportedly has no objection to this proposed deferral.

For good cause shown, plaintiffs’ motion is GRANTED IN PART. The hearing scheduled for April 25, 2019, is cancelled. Proceedings in the case are STAYED, pending disposition by the Supreme Court of the currently extant petition for writ of certiorari in *Moda Health*. The parties are requested to file a joint status report within 14 days after the Supreme Court’s disposition.

It is so **ORDERED**.

s/ Charles F. Lettow

Charles F. Lettow
Senior Judge