

In the United States Court of Federal Claims

No. 19-1164C

(E-Filed: October 10, 2019)

)
EMBLEMHEALTH, INC, HEALTH)
INSURANCE PLAN OF GREATER)
NEW YORK, INC, <u>et al.</u> ,)
)
Plaintiffs,)
)
v.)
)
THE UNITED STATES,)
)
Defendant.)

ORDER

On October 9, 2019, the parties filed a joint motion to stay proceedings in this matter pending a decision of the United States Court of Appeals for the Federal Circuit in Sanford Health Plan v. United States, 129 Fed. Cl. 701 (2018) (Fed. Cir. No. 19-1290) (2018); Montana Health Co-Op v. United States, 139 Fed. Cl. 213 (2018) (Fed. Cir. No. 19-1302) (2018); and Community Health Choice, Inc. v. United States, 141 Fed. Cl. 744 (2019) (Fed. Cir. No. 19-1633) (2019). See ECF No. 5 (motion). Therein, the parties state that “[t]his case should be stayed because the cases on appeal at the Federal Circuit will likely resolve many, if not all, of the substantial legal issues underlying this case—namely, whether insurers are entitled to recover CSR [cost-sharing reduction] payments that Congress declined to fund directly; whether they also possess a private contractual right to CSR payments; and whether any 2018 CSR payments must be offset by monies paid by the Government through insurance premium increases.” Id. at 3. Furthermore, the parties agree that a stay will conserve both judicial and party resources. The court agrees.

For good cause shown, the clerk’s office is directed to **STAY** this matter until further order of the court. Within **thirty days** of the issuance of a decision in one of the

Federal Circuit appeals cited above, the parties are directed to **FILE a joint status report** informing the court of the parties' position on the current stay and proposing an agreed-upon schedule for further proceedings in this matter, if appropriate.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith

PATRICIA E. CAMPBELL-SMITH

Judge