

In the United States Court of Federal Claims

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BLUE CROSS AND BLUE SHIELD OF)		
ARIZONA, INC.,)		
)		
Plaintiff,)		
)	No. 18-282C	
v.)	(Filed: May 29, 2020)	
)		
THE UNITED STATES OF AMERICA,)		
)		
Defendant.)		
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ORDER

This case was stayed pending final resolution on appeal of Moda Health Plan, Inc. v. United States and Land of Lincoln Mutual Health Insurance Co. v. United States. On April 27, 2020, the Supreme Court issued its decision in Maine Community Health Options v. United States, 140 S. Ct. 1308 (2020), which was consolidated on appeal with Moda and Land of Lincoln. On Plaintiff’s unopposed motion, the Court lifted the stay and ordered the parties to file a joint status report by May 29, 2020. ECF No. 14.

Before the Court is the parties’ joint status report in which the parties disagree regarding next steps. Plaintiff asserts the government knows the quantum of damages, that any outstanding debts owed to HHS have no applicability to plaintiff’s recovery in this case, and that the Supreme Court’s decision in Maine Community Health disposes of all liability issues. Joint Status Report at 2–3, ECF No. 16. Plaintiff asks the Court to order the parties to submit a joint status report by June 15, 2020. Id. at 4.

The government requests thirty days to consider its position and create a proposal for going forward. It states it requires this time to investigate whether it would be appropriate to raise defenses to liability, to review the history of payments and distributions under the program, and to analyze any outstanding debts owed to HHS. Id. at 4–5. The government points out that there are more than sixty-four individual cases pending in the court of federal claims related to the nationwide risk corridors program, and the United States would like to resolve all claims in a similar manner. Id. at 4.

While the Court appreciates that Plaintiff has an interest in receiving all appropriate monetary relief without undue delay, it believes that the government’s request for additional time to coordinate its strategy for resolving the many related claims is reasonable.

Therefore, the Court **ORDERS** the parties to file joint status report by June 30, 2020. The government's obligation to respond to plaintiff's amended complaint is deferred pending further action by the Court after the joint status report is filed.

IT IS SO ORDERED.

s/ Elaine D. Kaplan
ELAINE D. KAPLAN
Judge