

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

BLUECROSS BLUESHIELD)	
OF TENNESSEE, INC.,)	
)	
Plaintiff,)	No. 17-348C
)	
v.)	
)	Judge Marian Blank Horn
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	

**JOINT STATUS REPORT AND REQUEST TO CONTINUE
STAY OF PROCEEDINGS UNTIL SEPTEMBER 30, 2017**

Pursuant to the Court’s May 11, 2017 Order, the parties submit this Joint Status Report requesting that the Court continue the stay of this action until September 30, 2017, based upon the reasons set forth in the United States’ May 11, 2017 unopposed motion to stay, Dkt. 7. The parties request that the Court order the parties to submit another joint status report by September 23, 2017 advising the Court whether the parties contend that the stay should be lifted or continued.

BlueCross BlueShield of Tennessee (“BCBST”) filed suit on March 14, 2017. On May 11, 2017, the United States moved this Court to stay the case until June 30, 2017. BCBSA did not oppose the motion. On May 11, 2017, this Court granted the motion, staying the case until June 30, 2017 and ordering the parties to file a joint status report on or before June 23, 2017 advising the Court whether a continued stay is proper.

On May 30, 2017, the Federal Circuit issued an Order that the *Land of Lincoln Mutual Health Insurance Company v. United States*, No. 17-1224, and *Moda Health Plan, Inc. v. United States*, No. 17-1994, appeals will be treated as companion cases and will be assigned to the same panel. *Land of Lincoln* is fully briefed and the briefing in *Moda* is scheduled to be completed by September 5, 2017. The Federal Circuit has not set *Land of Lincoln* or *Moda* for oral argument.

Therefore, the parties request that the Court continue the stay of this action until September 30, 2017, and order the parties to submit a joint status report by September 23, 2017 advising the Court whether the parties contend that the stay should be lifted or continued.¹

¹ Prior to filing this joint status report, the United States asked BCBST whether it would agree to stay this action pending the outcome of the *Land of Lincoln* and *Moda* appeals now before the Federal Circuit. The Court previously entered such a stay in *Raymond Farmer v. United States*, No. 17-363C, Dkt. 9 (June 7, 2017), and *Blue Cross and Blue Shield of Kansas City v. United States*, No. 17-95C, Dkt. 10 (June 14, 2017). BCBST did not agree to a stay pending the Federal Circuit's decisions in *Land of Lincoln* and *Moda*. While the United States asserts that a stay pending the outcome of *Land of Lincoln* and *Moda* before the Federal Circuit will best preserve the resources of both the parties and the Court, it is BCBST's position that the 90-day stay equally preserves the resources of the parties and the Court and that a longer and indefinite stay is unwarranted at this time and potentially prejudicial to its interests. For the convenience of the Court in this case, the United States joins with BCBST to request that the Court continue the stay of this action until September 30, 2017.

Dated: June 22, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 22, 2017, I electronically filed the foregoing JOINT STATUS REPORT AND REQUEST TO CONTINUE STAY OF PROCEEDINGS UNTIL SEPTEMBER 30, 2017 with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants.

/s/ Marc S. Sacks

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