

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

SANFORD HEALTH PLAN,  
Plaintiff-Appellee,

v.

UNITED STATES,  
Defendant-Appellant.

No. 2019-1290

MONTANA HEALTH CO-OP,  
Plaintiff-Appellee,

v.

UNITED STATES,  
Defendant-Appellant.

No. 2019-1302

**UNOPPOSED MOTION TO CONSOLIDATE APPEALS**

The government respectfully moves for consolidation of the above-captioned appeals. This motion is unopposed.

1. The above-captioned appeals present the same legal issues. In each case, the plaintiff insurer alleges that it is entitled to damages for statutory cost-sharing reduction payments that Congress declined to fund. The Court of Federal Claims (Kaplan, J.) ruled for the insurers in materially identical opinions.

2. The plaintiff insurers are represented by the same counsel, who authorized us to state that this motion is unopposed.

Respectfully submitted,

MARK B. STERN

*s/ Alisa B. Klein*

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DECEMBER 2018

### CERTIFICATE OF COMPLIANCE

I certify that this document complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), it contains 81 words.

    /s/ Alisa B. Klein      
Alisa B. Klein

**CERTIFICATE OF SERVICE**

I hereby certify that on December 14, 2018, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

*/s/ Alisa B. Klein*  
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Alisa B. Klein