

In the United States Court of Federal Claims

No. 17-653C

(E-Filed July 17, 2017)

)
HEALTH ALLIANCE MEDICAL)
PLANS, INC.,)
)
Plaintiff,)
)
v.)
)
THE UNITED STATES,)
)
Defendant.)

ORDER

On June 22, 2017, defendant filed a motion to stay the instant proceedings pending the resolution of relevant litigation now before the Federal Circuit, specifically Land of Lincoln Mutual Health Insurance Company v. United States, Case No. 17-1224, and Moda Health Plan, Inc. v. United States, Case No. 17-1994. See ECF No. 10 at 1. According to defendant, a stay would promote efficiency for both the court and the parties given the congruence of the issues raised by each of the cases. See id.

This case is one of twenty-six cases filed before the court in which plaintiffs seek the recovery of sums allegedly due for violation of the Patient Protection and Affordable Care Act (ACA), 42 U.S.C. § 18062, breach of contract, and takings respectively. See id. at 2-5 (listing all pending cases and discussing the relevant procedural postures). The court recently granted a stay of proceedings in another of these twenty-six cases, Farmer v. United States, Case No. 17-363. Specifically, the court held:

Given the advanced stage of the Land of Lincoln and Moda Health cases, the court finds that a stay pending the outcome of these matters will be of reasonable length, and therefore not “immoderate.” See Landis, 299 U.S. at 257; see also Cherokee Nation, 124 F.3d at 1416. Moreover, given the symmetry of issues involved, the court agrees with defendant that a stay will

serve the valuable purpose of preserving the resources of both the parties and the court. These cases will proceed more efficiently and more productively with the forthcoming guidance from the Federal Circuit.

See id. at 3. In reaching this conclusion, the court analyzed the same law and relevant procedural facts as are presented here. See Farmer, Case No. 17-363, ECF No. 9.

Due to the strikingly similar facts and posture of this case, the court has no new or different analysis to add to its decision granting a stay of proceedings in Farmer. As such, defendant's motion to stay, ECF No. 10, is **GRANTED** for the reasons set forth more fully in the Farmer opinion. The clerk's office is directed to **STAY** this matter until further order of the court. The parties are directed to file a joint status report informing the court of the Federal Circuit's decisions, and proposing an agreed upon schedule for proceeding in this case within **14 days** of publication thereof.

IT IS SO ORDERED.

s/ Patricia E. Campbell-Smith

PATRICIA E. CAMPBELL-SMITH

Judge