

CORRECTED

In the United States Court of Federal Claims

No. 17-1233C

(Filed: May 14, 2020)

)
HEALTHYCT, INC.,)
)
<i>Plaintiff,</i>)
)
v.)
)
THE UNITED STATES,)
)
<i>Defendant.</i>)
)

ORDER

On October 13, 2017, the Court granted the government’s unopposed motion to stay the proceedings in the above captioned matter “pending the [United States Court of Appeals for the] Federal Circuit’s decisions in the companion appeals of *Land of Lincoln Mutual Health Insurance*, No. 17-1224, and *Moda Health Plan, Inc.*, No. 17-1994.” ECF No. 7. On June 14, 2018, the Federal Circuit decided both cases, but the parties requested a further stay “until the Federal Circuit has issued its mandates.” See ECF No. 8.

Following that, on July 12, 2018, this Court issued an order continuing the stay in this matter and directing the parties to “file a joint status report within 15 days after the judgments in *Land of Lincoln* [and] *Moda* . . . are final and non-appealable[.]” ECF No. 9. On February 4, 2019, petitions for writs of certiorari were filed in both *Land of Lincoln* and *Moda*, and both petitions were subsequently granted by the United States Supreme Court on June 24, 2019. See *Land of Lincoln Mutual Health Insurance Co. v. United States*, 139 S. Ct. 2744 (2019) (granting the petition and consolidating with *Moda*).

Following oral argument on the consolidated appeals, on April 27, 2020, the Supreme Court decided *Maine Community Health Options v. United States*, No. 18-1023, – U.S. –, 140 S. Ct. 1308 (2020). In response to the Supreme Court’s decision, this Court scheduled a telephonic status conference that was to be held on May 15, 2020, to discuss the parties views as to what impact the *Maine Community Health Options* decision would have on this case, and for the parties to propose a schedule in this matter going forward. See ECF No. 12.

As required by this Court's July 12, 2018 Order (ECF No. 9), the parties timely filed their joint status report, on May 12, 2020, within 15 days of the Supreme Court's decision. ECF No. 13. Specifically, in light of that decision, the parties requested that the stay remain in place in this matter for at least an additional 45 days so that the government may: (1) "consider how the Supreme Court's ruling impacts" this case, and (2) "propose an efficient and appropriate process to reach a conclusion in this [matter]." *Id.* at 2-3. The parties further proposed to submit a joint status report detailing their plan as to how this case shall proceed, upon the conclusion of the additional 45-day stay. *Id.* at 3. Finally, the parties further requested that plaintiff should have the "opportunity to refine or update its claim for damages" during this 45-day period, and that the government's "obligation to respond to a complaint or an amended complaint" should be extended until after the filing of the parties' next status report, as well. *Id.*

In light of the parties' joint representations and for good cause shown, the parties' request for an additional 45-day stay is hereby **GRANTED**. The parties are **ORDERED** to file a joint status report on or before June 29, 2020, addressing the topics identified in their May 12, 2020 status report. Finally, and in light of this Order, the Court hereby **VACATES** its previous Order, *see* ECF No. 12, setting a telephonic status conference for May 15, 2020.

It is so **ORDERED**.

s/Matthew H. Solomson
Matthew H. Solomson
Judge