

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**MODA HEALTH PLAN, INC.,**  
*Plaintiff-Appellee*

v.

**UNITED STATES,**  
*Defendant-Appellant*

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2017-1994

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Appeal from the United States Court of Federal Claims  
in No. 1:16-cv-00649-TCW, Judge Thomas C. Wheeler.

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PER CURIAM.

**O R D E R**

Upon consideration of the judgment of the Supreme Court of the United States in *Moda Health Plan, Inc. v. United States, No. 18-1028*, reversing and remanding to this court for further proceedings consistent with the opinion of the Supreme Court,

IT IS ORDERED THAT:

The mandate of this court issued on November 13, 2018, is recalled, the appeal is reinstated, and this court's June 14, 2018, judgment is vacated.

The parties are hereby directed to file simultaneous supplemental briefs, not to exceed fifteen pages each, stating their positions relating to the appropriate action to be taken by the court on remand following the Supreme Court's decision, *Maine Community Health Options v. United States*, 140 S. Ct. 1308 (2020). The briefs shall be filed no later than thirty days from the date of this order.

FOR THE COURT

June 5, 2020  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court