

In the United States Court of Federal Claims

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SENDERO HEALTH PLANS, INC.,)	
)	
Plaintiff,)	
)	No. 17-2048C
v.)	
)	Filed: January 25, 2018
THE UNITED STATES,)	
)	
Defendant.)	
)	
)	

ORDER

The above-captioned matter is one of several cases currently pending before this Court and the United States Court of Appeals for the Federal Circuit in which a plaintiff seeks to recover monies allegedly due from the United States for violation of the Patient Protection and Affordable Care Act, Pub. L. 111-148, 124 Stat. 119 (Mar. 23, 2010) (the “ACA”), breach of contract, and takings. In this particular action, plaintiff alleges that it is entitled to recover at least \$11.2 million in damages and other relief from the United States for violation of Section 1342 of the ACA and its implementing regulations, for breach of the government’s risk corridors payment obligations under an alleged implied-in-fact contract, and for breach of an alleged implied covenant of good faith and fair dealing. *See generally* Compl. (docket entry no. 1). Similar cases, including *Land of Lincoln Mut. Health Ins. Co. v. United States*, 129 Fed. Cl. 81 (2016), *appeal docketed*, No. 17-1224 (Fed. Cir. Nov. 16, 2016) (“*Land of Lincoln*”); *Moda Health Plan, Inc. v. United States*, 130 Fed. Cl. 436 (2017), *appeal docketed*, No. 17-1994 (Fed. Cir. May 9, 2017) (“*Moda*”); and *Blue Cross and Blue Shield of North Carolina v. United States*, 131 Fed. Cl. 457 (2017), *appeal docketed*, No. 17-2154 (Fed. Cir. June 14, 2017), are currently pending before the United States Court of Appeals for the Federal Circuit.

In light of the foregoing, the parties shall **FILE** a Joint Status Report stating their respective views on whether this matter should be stayed pending resolution of the *Land of Lincoln* and *Moda* cases on or before **February 8, 2018**.¹

IT IS SO ORDERED.

s/ Lydia Kay Griggsby _____
LYDIA KAY GRIGGSBY
Judge

¹ On May 30, 2017, the United States Court of Appeals for the Federal Circuit issued an order indicating that *Land of Lincoln* and *Moda* “are companion cases and will be assigned to the same merits panel.” *See* Appeal Order, dated May 30, 2017.