

In the United States Court of Federal Claims

No. 20-578
 Filed: July 10, 2020

HARVARD PILGRIM HEALTH CARE,)
INC., HPHC INSURANCE COMPANY,)
INC., AND HARVARD PILGRIM)
HEALTH CARE OF NEW ENGLAND,)
INC.,)
)
Plaintiffs,)
)
v.)
)
THE UNITED STATES,)
)
Defendant.)

ORDER

On May 8, 2020, plaintiffs filed their Complaint with this Court. Pursuant to Rule 12(a)(1)(A) of the Rules of the Court of Federal Claims (“RCFC”), defendant’s Answer was due on or before July 7, 2020. On July 9, 2020, defendant entered its Notice of Appearance and then subsequently filed its unopposed Motion for Leave to File out of Time and to Stay, requesting that the Court grant defendant leave to file its Answer out of time and for the Court to “stay proceedings (including any deadline to file such a responsive pleading).” Unopposed Motion for Leave to File out of Time and to Stay at 1. Specifically, defendant asks for the Court to stay this case pending the Federal Circuit’s resolution of *Sanford Health Plan v. United States*, 139 Fed. Cl. 701 (2018), *Montana Health Co-Op v. United States*, 139 Fed. Cl. 213 (2018), and their companion appeals, as there are “overlapping issues between the [cost-sharing reduction (‘CSR’)] cases in this Court and the CSR cases pending in the Federal Circuit.” *Id.* at 1, 4.

For good cause shown, defendant’s Motion is hereby **GRANTED**. Accordingly, this case is hereby **STAYED** pending the Federal Circuit’s resolution of *Sanford Health, Montana Health*, and their companion appeals. Additionally, the deadline for defendant to file its Answer to plaintiffs’ Complaint is hereby **STAYED** pending the resolution of the same. The parties **SHALL** file a Joint Status Report **every ninety days** throughout the pendency of the stay of proceedings. Furthermore, the parties **SHALL** file a Joint Status Report within **seven** days of the Federal Circuit issuing its decision in *Sanford, Montana*, and their companion appeals, providing the Court with a proposed procedural schedule for resolution of this matter.

IT IS SO ORDERED.

s/ *Loren A. Smith*

Loren A. Smith,
 Senior Judge