

In the United States Court of Federal Claims

No. 19-1164C

(E-Filed: September 14, 2020)

EMBLEMHEALTH, INC., HEALTH)
INSURANCE PLAN OF GREATER)
NEW YORK, INC., et al.,)
)
Plaintiffs,)
)
v.)
)
THE UNITED STATES,)
)
Defendant.)

ORDER

On September 14, 2020, pursuant to the court’s October 10, 2019 order, defendant filed a joint status report and motion to continue stay of proceedings in this matter. See ECF No. 7. Therein, the parties report that on August 14, 2020, the United States Court of Appeals for the Federal Circuit issued decisions in Sanford Health Plan v. United States, 969 F.3d 1370 (2020) (consolidated with Montana Health Co-Op v. United States, Fed. Cir. No. 19-1302); and Community Health Choice, Inc. v. United States, 2020 WL 4723757 (Fed. Cir. Aug 14, 2020). Id. at 1. The parties further state that, although the Federal Circuit has issued rulings in the consolidated appeals, it has not yet issued mandates in those appeals. See id. Therefore, “[i]n order to conserve judicial and party resources, the parties respectfully request that the Court stay this case for 39 days, to and including Friday, October 23, 2020, at which point the parties will submit a joint status report proposing further proceedings.” Id. at 2. The court observes that the most efficient use of judicial resources counsels in favor of continuing the stay in this matter to await the issuance of the Federal Circuit’s mandate before proceeding prematurely with litigation.

For good cause shown, the parties' motion to continue the stay, ECF No. 7, is **GRANTED**. The clerk's office shall continue the stay in this matter until further order of the court. Within **thirty days** of the issuance of a mandate from the Federal Circuit decisions, cited above, the parties are directed to **FILE** a **joint status report** informing the court of the parties' position on the current stay and proposing an agreed-upon schedule for further proceedings in this matter, if appropriate. The status report shall indicate the parties' positions of the continuance of the stay in this matter.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith

PATRICIA E. CAMPBELL-SMITH

Judge