

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

SANFORD HEALTH PLAN; MONTANA
HEALTH CO-OP,

Plaintiffs-Appellees,

v.

UNITED STATES,

Defendant-Appellant.

Nos. 2019-1290 &
2019-1302

COMMUNITY HEALTH CHOICE, INC.,

Plaintiff-Appellee,

v.

UNITED STATES,

Defendant-Appellant.

No. 2019-1633

MAINE COMMUNITY HEALTH OPTIONS,

Plaintiff-Appellee,

v.

UNITED STATES,

Defendant-Appellant.

No. 2019-2102

**UNOPPOSED MOTION TO ALLOW THE FILING OF
CONDITIONAL CROSS-PETITIONS FOR REHEARING**

On August 14, 2020, this Court issued its decisions in the above-captioned cases. The deadline for filing rehearing petitions is September 28, 2020. The Federal Rules of Appellate Procedure generally do not contemplate the filing of conditional cross-petitions for rehearing, analogous to conditional petitions for a writ of certiorari under Supreme Court Rule 12.5. In these cases, however, a party's decision whether to seek rehearing may be affected by whether any other party does

so. Accordingly, we respectfully ask the Court to allow any party to file a conditional cross-petition for rehearing, if the Court calls for a response to a timely rehearing petition. Plaintiffs' counsel have authorized us to state that this motion is unopposed.

Respectfully submitted,

MARK B. STERN

s/ Alisa B. Klein

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SEPTEMBER 2020

CERTIFICATE OF COMPLIANCE

I certify that this document complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), it contains 116 words.

/s/ Alisa B. Klein
Alisa B. Klein

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2020, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Alisa B. Klein
Alisa B. Klein