

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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BLUE CROSS OF CALIFORNIA, et al.,)	
)	
Plaintiffs,)	
)	Case No. 20-606
v.)	(Judge Wolski)
)	
THE UNITED STATES,)	
)	
Defendant.)	
)	

JOINT MOTION FOR AN EXTENSION OF TIME TO FILE JOINT STATUS REPORT

Pursuant to Rules 6.1 and 7 of the Rules of the Court of Federal Claims, the parties respectfully request a five-day extension of time, to and including October 28, 2020, for the parties to file a joint status report proposing further proceedings in this case. Pursuant to the Court’s September 17, 2020 order, ECF No. 9, the joint status report is currently due on October 23, 2020. Good cause exists to grant the requested relief.

In the parties’ September 14, 2020 status report, ECF No. 8, the parties provided an update regarding the status of four cases on appeal to the Federal Circuit concerning cost-sharing reductions (CSRs): *Sanford Health Plan v. United States*, 139 Fed. Cl. 701 (2018), *appeal docketed*, No. 19-1290 (2018); *Montana Health Co-Op v. United States*, 139 Fed. Cl. 213 (2018), *appeal docketed*, No. 19-1302 (Fed. Cir. 2018); *Community Health Choice, Inc. v. United States*, 141 Fed. Cl. 744 (2019), *appeal docketed*, No. 19-1633 (Fed. Cir. 2019); and *Maine Community Health Options v. United States*, 143 Fed. Cl. 381 (2019), *appeal docketed*, No. 19-2102 (Fed. Cir. 2019). We advised that the Federal Circuit issued decisions in those CSR appeals on August 14, 2020. We further advised that the parties to those appeals may file a petition for rehearing and/or rehearing *en banc*, Fed. Cir. R. 35, 40, or a petition for a writ of *certiorari*, which would impact all 25 of the CSR cases pending in this Court that raise CSR

claims, including this one. Thus, at that time, the parties requested a 39-day stay of proceedings, to October 23, 2020, at which time the parties anticipated having clarity about the posture of the CSR appeals and their impact on this case.

After we filed the September 14, 2020 status report, the plaintiffs in *Maine Community Health Options* and *Community Health Choice* filed petitions for rehearing *en banc* regarding the Federal Circuit's rulings in those cases concerning the recovery of CSR damages for 2018. The Federal Circuit invited the United States to file responses to those petitions, two of which are due on October 23, 2020. Because the contents of the Government's responses may impact plaintiffs' position regarding further proceedings as to plaintiffs' 2017 CSR claims in this case, the parties respectfully request a five-day extension of time to file their joint status report. The parties anticipate that the five-day extension will provide sufficient time for plaintiffs to review and consider the United States' responses to the petitions for rehearing *en banc*, and for the parties to formulate a more-informed proposal for further proceedings in this case.

CONCLUSION

For these reasons, the parties respectfully request that the Court grant this motion for a five-day extension of time, to and including October 28, 2020, for the parties to submit a joint status report proposing further proceedings in this case.

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October 22, 2020

Respectfully submitted,

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