

In the United States Court of Federal Claims

No. 20-546

(Filed: 23 October 2020)

CIGNA HEALTH AND LIFE INSURANCE, *
COMPANY, *et al.*, *

Plaintiffs, *

v. *

THE UNITED STATES, *

Defendant. *

ORDER

On 24 September 2020, the Court ordered a stay of proceedings in this case related to Counts III and IV pending the outcome of litigation in the Federal Circuit in four cases related to cost-sharing reductions (“CSRs”). Order, ECF No. 15. The order required the parties to file a joint status report (“JSR”) proposing further proceedings within 30 days. *Id.*

Pursuant to the Court’s 24 September 2020 order, on 23 October 2020, the parties filed a joint status report and a motion to continue the stay. Joint Status Report and Mot. to Continue Stay, ECF No. 16.¹ The parties observe the plaintiffs in two of the Federal Circuit cases—*Maine Community Health Options v. United States*, 143 Fed. Cl. 381 (2019), *appeal docketed*, No. 19-2102 (Fed. Cir. 2019); and *Community Health Choice, Inc. v. United States*, 141 Fed. Cl. 744 (2019), *appeal docketed*, No. 19-1633 (Fed. Cir. 2019)—“subsequently filed petitions for rehearing *en banc* regarding the Federal Circuit’s damages ruling.” *Id.* at 1. The parties state further proceedings in those appeals may impact cases pending in this court involving CSR claims, including this case. *Id.* at 2. Accordingly, the parties request the Court stay the remaining CSR claims in this case, Counts III and IV, “until either the Federal Circuit’s judgments in the CSR appeals become final and non-appealable, or the Supreme Court resolves any petition for a writ of certiorari.” *Id.* at 2. The parties propose to file a JSR within 30 days of either event proposing further proceedings in this case.

¹ The parties’ 23 October 2020 JSR states the parties submitted the JSR “[p]ursuant to this Court’s July 1, 2020 Order (ECF No. 7).” Joint Status Report and Mot. to Continue Stay at 1, ECF No. 16. Although the 23 October 2020 JSR does not discuss the Court’s 24 September 2020 order, ECF No. 15, the Court understands the parties to have submitted the JSR pursuant to the Court’s 24 September 2020 order, which required the parties to file a JSR proposing further proceedings on 23 October 2020.

For good cause shown, the Court **GRANTS** the parties' joint motion to stay proceedings in this case related to Counts III and IV. Within 30 days of either of the Federal Circuit's judgments in the cases discussed *supra* becoming final and non-appealable or the Supreme Court resolving any petition for a writ of certiorari in either of the cases, the parties shall file a joint status report proposing further proceedings.

IT IS SO ORDERED.

s/ Ryan T. Holte
RYAN T. HOLTE
Judge