

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

GUIDEWELL MUTUAL HOLDING CORPORATION, et al.,	)	
	)	
Plaintiffs,	)	Case No. 18-1791C
	)	
v.	)	Judge Lydia K. Griggsby
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	
	)	
	)	

**JOINT STATUS REPORT AND MOTION TO CONTINUE STAY**

Pursuant to this Court’s August 28, 2020 Order (ECF No. 24), the parties submit this joint status report regarding the status of the pending consolidated Federal Circuit CSR appeals and the parties’ respective positions regarding the motion to continue the stay.

Since the Federal Circuit’s rulings in the consolidated CSR appeals, the insurer appellees in *Maine Cmty. Health Options v. United States*, No. 19-2102 and *Community Health Choice, Inc. v. United States*, No. 19-1633 filed petitions for *en banc* rehearing on September 28, 2020. The Government filed its response to the petitions in both cases today, October 23, 2020.

**Plaintiffs’ Position**

Plaintiffs believe that it would be in the best interest of both parties that this case be stayed pending the resolution of the petitions for rehearing *en banc*. And in order to conserve judicial and party resources, Plaintiffs respectfully request that the Court stay this case until 14 days after the resolution of the petitions for rehearing *en banc*, and for the parties to submit a joint status report proposing further proceedings at the end of the stay period.

Government's Position

In the Government's response to the petitions for rehearing *en banc* that were filed today, the Government conditionally cross-petitioned for rehearing *en banc* of the Federal Circuit's threshold liability decision in the consolidated appeals. Given that either party could file a petition for a writ of certiorari from the Supreme Court after the Federal Circuit issues a ruling on the insurers' petitions for rehearing *en banc*, the Government believes that the case should be stayed pending not only the Federal Circuit's resolution of the petitions for rehearing *en banc*, but also, in the event either party files a petition for a writ of certiorari, the Supreme Court's final resolution of the appeal.

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October 23, 2020

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