

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

_____)	
MONTANA HEALTH CO-OP,)	
)	
Plaintiff,)	
)	Case No. 20-561C
v.)	
)	Judge Elaine D. Kaplan
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	
_____)	

JOINT STATUS REPORT AND MOTION TO CONTINUE STAY

Pursuant to this Court’s September 16, 2020 Order (ECF No. 10), the parties submit this joint status report regarding the status of the pending consolidated Federal Circuit CSR appeals.

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. Given the possibility that the non-prevailing party in those two appeals may seek further review, the parties 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 the event either party files a petition for a writ of certiorari, the Supreme Court’s final resolution of the appeal.

In order to conserve judicial and party resources, the parties respectfully request that the Court stay this case until 30 days after the Federal Circuit’s resolution of the pending petitions for rehearing *en banc*, or until 30 days after the Supreme Court’s final resolution of any petition

for a writ of certiorari, whichever is later. At the end of this stay period, the parties will submit a joint status report proposing further proceedings.

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October 23, 2020

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