

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

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EMBLEMHEALTH, INC.	)	
HEALTH INSURANCE PLAN OF	)	
GREATER NEW YORK, INC. ET AL,	)	
	)	
Plaintiff,	)	Case No. 19-1164
	)	
v.	)	Judge Campbell-Smith
	)	
THE UNITED STATES,	)	
	)	
Defendant.	)	
_____	)	

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

Pursuant to this Court’s September 14, 2020 Order (ECF No. 8), 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 Federal Circuit denied those petitions on November 10, and the period for filing a petition for a writ of *certiorari* from the Supreme Court is currently running. Given the possibility that the non-prevailing party in the consolidated appeals may seek further review, the parties believe that it would be in the best interest of both parties and the Court that this case be stayed pending final resolution of any petition for a writ of *certiorari*, or a decision on the merits, should the Supreme Court decide to hear the appeal.

In order to conserve judicial and party resources, the parties respectfully request that the Court stay this case until 30 days after final resolution of the consolidated appeals (including a

decision by the Supreme Court, if any). At the end of this stay period, the parties will submit a joint status report proposing further proceedings.

Respectfully submitted,

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