

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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SENDERO HEALTH PLANS, INC.)	
)	
Plaintiff,)	
)	
v.)	Case No. 17-2048C
)	
THE UNITED STATES,)	Judge Lydia Kay Griggsby
)	
Defendant.)	
)	
)	
)	
)	
)	

JOINT STATUS REPORT AND MOTION TO CONTINUE STAY

In response to the December 21, 2020 e-mail message that counsel received from the Court’s chambers, the parties submit this joint status report. On October 23, 2020 (ECF No. 30) the Court entered an order granting the parties’ request that the Court continue the stay of proceedings in this matter until either: the Federal Circuit’s judgments in *Community Health Choice, Inc. v. United States*, No. 19-1633, and *Maine Community Health Options v. United States*, No. 19-2102 become final and non-appealable; or, the Supreme Court of the United States resolved any petition for writ of *certiorari* filed in those cases. Because neither of those events has occurred yet, the parties therefore respectfully request that the Court continue the stay in this matter until the time for filing a petition for *certiorari* in those matters expires without any petition being filed, or, if a petition is filed, until the Supreme Court determines whether to grant *certiorari* or not.

On November 10, 2020, the Federal Circuit denied the petitions for rehearing in *Community Health Choice* and *Maine Community*. Under Supreme Court Rule 13.3, the time to

file a petition for writ of *certiorari* runs from the date of denial of rehearing. On March 19, 2020, in response to public health concerns regarding COVID-19, the Supreme Court issued an order extending from 90 days to 150 days the time for filing a *certiorari* petition following an order denying a timely petition for rehearing. Thus, the time for petitioning the Supreme Court in *Community Health Choice* and *Maine Community* will not expire until April 9, 2021.

Accordingly, the parties respectfully request that the Court continue the stay in this case until the time for filing a petition for *certiorari* in *Community Health Choice* and *Maine Community* expires without any petition being filed, or, if a petition is filed, until the Supreme Court determines whether to grant *certiorari* or not. The parties propose that they file a joint status report proposing further proceedings within 30 days of either event.

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Respectfully submitted,

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