

IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

_____)		
LOCAL INITIATIVE HEALTH)		
AUTHORITY FOR LOS ANGELES)		
COUNTY, dba L.A. Care Health Plan,)		Nos. 20-1393(L), 20-2254
)	
Plaintiff-Appellee,)		
)	
v.)		
)	
UNITED STATES,)		
)	
Defendant-Appellant.)		
_____)		

JOINT MOTION TO CONTINUE TO HOLD APPEALS IN ABEYANCE

In September 2020, this Court issued two decisions on the merits in the following “Related Cases”: *Sanford Health Plan v. United States*, No. 19-1290; *Montana Health Co-Op v. United States*, No. 19-1302; *Community Health Choice, Inc. v. United States*, No. 19-1633; and *Maine Cmty. Health Options v. United States*, No. 19-2102. Following those decisions, and given the similarity of issues in these appeals and the Related Cases, plaintiff and defendant here jointly moved this Court to hold these appeals in abeyance pending the filing and disposition of petitions for rehearing in the Related Cases. ECF No. 5. The Court granted the motion and ordered the parties to inform the Court how these appeals should proceed within 14 days of the issuance of the last mandate in the Related Cases. ECF No. 8.

In the interim, the plaintiff in *Common Ground Healthcare v. United States*, No. 20-1286 (Fed. Cir.)—which involves the same claims and issues raised in the Related Cases—petitioned for rehearing after the Court in that case issued a judgment consistent with its rulings in the Related Cases. The Court proceeded to request an answer to Common Ground’s petition from the United States, which is due December 4, 2020.

On November 10, 2020, the Court issued orders denying rehearing in *Community Health Choice* and *Maine Community Health*. There is a possibility that the parties may seek certiorari in the U.S. Supreme Court in *Community Health Choice* and *Maine Community Health* (and, possibly, in *Common Ground*, depending upon how the Court rules on the rehearing petition pending there), and further proceedings in those cases in the Supreme Court likely would impact this case. Accordingly, the parties here jointly request that the Court continue to hold the appeals in this case in abeyance until one or more of the parties in the Related Cases or *Common Ground* seeks certiorari in the Supreme Court, or the time for doing so expires.

If no party in the Related Cases or *Common Ground* seeks certiorari in the Supreme Court, the parties here will, within 14 days of the expiration of the time to seek certiorari, submit a joint report to this Court addressing how they believe the Court should proceed with these appeals. If a party in the Related Cases or *Common Ground* does seek certiorari, the parties here will inform the Court within 14 days of the final

disposition of any certiorari petitions and any further proceedings in the Supreme Court.

Dated: November 24, 2020

s/ Lawrence S. Sher

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CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that this Joint Motion complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), it contains 409 words.

s/ Lawrence S. Sher
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 24, 2020, I caused the foregoing Joint Motion to be filed with the Clerk for the Court for the United States Court of Appeals for the Federal Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ Lawrence S. Sher _____

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