

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

BLUE CROSS & BLUE SHIELD OF VERMONT,
Plaintiff-Appellee

v.

UNITED STATES,
Defendant-Appellant

2021-1380

Appeal from the United States Court of Federal Claims
in No. 1:18-cv-00373-MBH, Senior Judge Marian Blank
Horn.

ON MOTION

Before NEWMAN, MOORE, and STOLL, *Circuit Judges*.
MOORE, *Circuit Judge*.

ORDER

The United States moves to stay this appeal. Blue Cross & Blue Shield of Vermont opposes the motion to stay and moves for summary affirmance, which the United States opposes.

Summary affirmance is appropriate “when the position of one party is so clearly correct as a matter of law that no substantial question regarding the outcome of the appeal exists.” *Joshua v. United States*, 17 F.3d 378, 3380 (Fed. Cir. 1994) (citation omitted). In this case, the parties stipulated to judgment based on this court’s decisions in *Sanford Health Plan v. United States*, No. 2019-1290 and *Common Ground Healthcare v. United States*, No. 2020-1286. Because that precedent controls the outcome of this appeal, summary affirmance is appropriate.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to stay is denied. The motion to summarily affirm is granted.
- (2) The judgment of the United States Court of Federal Claims is affirmed.
- (3) Each party shall bear its own costs.

FOR THE COURT

February 02, 2021
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

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ISSUED AS A MANDATE: February 02, 2021