

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

MAINE COMMUNITY HEALTH OPTIONS,	)	
	)	
Plaintiff,	)	Case No. 17-2057C
	)	
v.	)	Judge Kathryn C. Davis
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

**JOINT STATUS REPORT**

Pursuant to the Court’s November 17, 2020 Status Report Order, ECF No. 40, Plaintiff, Maine Community Health Options, and Defendant, the United States, respectfully submit this joint status report regarding further proceedings in this case.

This case concerns claims for unpaid cost-sharing reduction payments (CSRs) under Section 1402 of the Affordable Care Act (ACA). On August 14, 2020, the Federal Circuit issued decisions in two consolidated CSR appeals, including this case, and remanded those cases to the United States Court of Federal Claims. *See Cmty. Health Choice, Inc. v. United States*, 970 F.3d 1364 (Fed. Cir. 2020). The *Maine* and *Community* plaintiffs filed petitions for rehearing *en banc*, which were denied on November 10, 2020. The Federal Circuit also denied a petition for rehearing *en banc* in a related CSR appeal, *Common Ground Health Cooperative v. United States*, No. 20-1286 (Fed. Cir.), on December 16, 2020.

The *Maine* and *Community* plaintiffs jointly filed a petition for a writ of *certiorari* this morning. The petition filed by the *Maine* and *Community* plaintiffs seeks review of the Federal Circuit decision that would otherwise govern further proceedings on remand here. Additionally, the deadline to file a petition for a writ of *certiorari* in the related CSR *Common Ground* appeal

is May 17, 2021. Supreme Court resolution of any of those cases will affect further proceedings in this case.

Accordingly, the parties request that the Court stay this case pending the final disposition of the *Maine* and *Community* petition for writ of *certiorari*, and any petition filed in the *Common Ground* appeal. The parties propose that they file a joint status report proposing further proceedings in this case within 30 days of the termination of the stay.

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February 19, 2021

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