IN THE UNITED STATES COURT OF FEDERAL CLAIMS

MAINE COMMUNITY HEALTH OPTIONS,)
Plaintiff,) No. 17-2057C
v.) Filed: February 26, 2021
THE UNITED STATES,)
Defendant.)
)

ORDER

Pursuant to the Court's November 17, 2020 Order (ECF No. 40), the parties filed a Joint Status Report regarding further proceedings. *See* ECF No. 43. This case concerns claims for unpaid cost-sharing reduction (CSR) payments under Section 1402 of the Affordable Care Act. *See id.* On August 14, 2020, the Federal Circuit issued decisions in two consolidated CSR appeals, including this case, and remanded those cases to this Court. *See Cmty. Health Choice, Inc. v. United States*, 970 F.3d 1364 (Fed. Cir. 2020). On November 10, 2020, the Federal Circuit denied a petition for rehearing *en banc. See* ECF No. 43. On December 16, 2020, the Federal Circuit also denied a petition for rehearing *en banc* in *Common Ground Health Cooperative v. United States*, No. 20-1286 (Fed. Cir.) (*"Common Ground"*), which is a related CSR appeal.

On February 19, 2021, Plaintiff in the instant case and the plaintiff in *Community Health Choice* jointly filed a petition for writ of *certiorari* seeking review of the Federal Circuit's decision. ECF No. 43. The deadline to file a petition for writ of *certiorari* in *Common Ground* is May 17, 2021. *Id*.

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Given the pending and possible *certiorari* petitions, the parties request that the Court stay

this case until the final disposition of the Maine Community/Community Health Choice petition,

and any petition filed in Common Ground. Id. The parties also propose that they file a joint

status report proposing further proceedings in this case within 30 days of the termination of the

stay. See id.

Since Supreme Court resolution of Maine Community/Community Health Choice, or

Common Ground, will affect further proceedings in the present matter before this Court, the

Court hereby GRANTS the parties' request and STAYS this case pending final disposition of

the Maine Community/Community Health Choice petition for writ of certiorari, and any petition

filed in Common Ground. The Court further **ORDERS** that the parties submit a joint status

report regarding further proceedings in this case within 30 days of the termination of the stay.

SO ORDERED.

Dated: February 26, 2021

/s/ Kathryn C. Davis

KATHRYN C. DAVIS

Judge

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