

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

MOLINA HEALTHCARE OF)	
CALIFORNIA, INC., et al.,)	
)	
Plaintiffs,)	Case No. 18-333
)	(Judge Meyers)
v.)	
)	
THE UNITED STATES,)	
)	
Defendant.)	

JOINT MOTION TO STAY

Pursuant to Rule 7 of the United States Court of Federal Claims, plaintiffs, Molina Healthcare of California, Inc., et al., and defendant, the United States, respectfully submit this joint motion to stay this case pending the resolution of the following cases: *Maine Community Health Options v. United States*, and *Community Health Choice, Inc. v. United States*, No. 20-1162 (Sup. Ct.); and *Common Ground Health Cooperative v. United States*, No. 20-1286 (Fed. Cir.). Good cause exists to grant the requested relief.

Like the plaintiffs in *Maine*, *Community*, and *Common Ground*, plaintiffs in this case are insurers seeking payment of cost sharing reduction (CSRs) under Section 1402 of the Affordable Care Act (ACA). After the Federal Circuit entered judgments in *Maine*, *Community*, and *Common Ground*, those plaintiffs filed petitions for rehearing en banc. The Federal Circuit denied the petitions in *Maine* and *Community* on November 10, 2020, and the petition in *Common Ground* on December 16, 2020.

On February 19, 2021, the *Maine* and *Community* plaintiffs filed a joint petition for a writ of certiorari. The *Common Ground* plaintiffs' deadline to file a petition for a writ of certiorari does not expire until May 17, 2021. Given that Supreme Court resolution of any of those cases will affect the outcome in this one, the parties respectfully request that the Court stay this case

until the Supreme Court resolves *Maine and Community's* joint petition for a writ of certiorari, or any petition for a writ of certiorari filed in *Common Ground*, whichever is later. Within 30 days of the expiration of the proposed stay, the parties will submit a joint status report proposing further proceedings.

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February 25, 2021

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