

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

COMMON GROUND HEALTHCARE  
COOPERATIVE,

Plaintiff,  
on behalf of itself and all others  
similarly situated,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

No. 1:17-cv-00877-KCD  
(Judge Davis)

**JOINT STATUS REPORT**

Defendant United States and Plaintiff Common Ground Healthcare Cooperative, on behalf of itself and the 2017-2018 CSR Class, (together, the “Parties”), hereby submit this joint status report in accordance with the Court’s February 26, 2021 Order (Dkt. 139). With respect to the cost-sharing reduction claims for the 2017-2018 benefit years, the Parties jointly request that this case be stayed pending further appellate proceedings.

On February 24, 2021, Plaintiff Common Ground Healthcare Cooperative filed a petition for a writ of certiorari to the United States Supreme Court seeking review of the Federal Circuit’s September 30, 2020 decision entering judgment consistent with the Federal Circuit’s decision in *Community Health Choice, Inc. v. United States*, Nos. 2019-1633, -2102, 2020 WL 4723757 (Fed. Cir. Aug. 14, 2020). *See* Pet. For Writ of Cert., *Common Ground Healthcare Cooperative v. United States* (U.S. Feb. 24, 2021) (No. 20-1200). As noted by the Court in the February 26 Order, the plaintiffs in related appeals have also filed a petition for writ of certiorari to the United States Supreme Court seeking review of the Federal Circuit’s August 14, 2020 decision. *See* Pet. For Writ of Cert., *Maine Community Health Options v. United States* (U.S. Feb. 19, 2021) (No. 20-1162).

Because the United States Supreme Court's decision whether or not to review these Federal Circuit decisions will impact certain important aspects of the instant remand proceedings, the Parties believe it would conserve the Court's and the Parties' resources to stay proceedings related to the cost-sharing reduction claims for the 2017-2018 benefit years until the resolution of the current appellate proceedings in the *Common Ground*, *Community Health Choice*, and *Maine Community Health Options* appeals.

To this end, the Parties propose that they file a status report with this Court within 15 days after the United States Supreme Court issues a decision on Common Ground Healthcare Cooperative's petition for a writ of certiorari.

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