

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

HIGHMARK INC., et al.,)	
)	
Plaintiffs,)	
)	Case No. 20-1686
v.)	(Judge Griggsby)
)	
THE UNITED STATES,)	
)	
Defendant.)	
)	

JOINT MOTION TO STAY

Pursuant to Rule 7 of the United States Court of Federal Claims, plaintiffs, Highmark Inc., et al., and defendant, the United States, respectfully submit this joint motion to stay this case pending the resolution of three cases: *Maine Community Health Options v. United States*, No. 19-2102 (Fed. Cir.); *Community Health Choice, Inc. v. United States*, No. 19-6333 (Fed. Cir.); 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.

Given that the parties to those appeals may file petitions for writs of certiorari, to conserve judicial and party resources, the parties respectfully request that the Court stay this case until either the Federal Circuit’s judgments in *Maine*, *Community*, and *Common Ground* become final and non-appealable, or the Supreme Court resolves any petition for a writ of certiorari,

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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