

In the United States Court of Federal Claims

HIGHMARK, INC., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	No. 20-1686C
v.)	
)	Filed January 26, 2021
THE UNITED STATES,)	
)	
Defendant.)	
)	
)	

STAY ORDER

On January 25, 2021, the parties filed a joint motion to stay further proceedings in the above-captioned cost-sharing reduction (“CSR”) matter, pending the final resolution of *Maine Community Health Options v. United States*, No. 19-2102, *Community Health Choice, Inc. v. United States*, No. 19-6333, and *Common Ground Health Cooperative v. United States*, No. 20-1286 (ECF No. 6). The parties indicate that the plaintiffs in those CSR matters filed petitions for rehearing *en banc* before the United States Court of Appeals for the Federal Circuit, which the Federal Circuit denied in *Maine Community Health Options and Community Health Choice* on November 10, 2020, and in *Common Ground Health Cooperative* on December 16, 2020. *Id.* at 1. The parties state that the plaintiffs in those cases may file for petitions for writs of certiorari at the Supreme Court of the United States, and therefore the requested stay will provide the Court and the parties clarity regarding the posture of those appeals. *Id.* at 1-2. And so, the parties request that the Court stay further proceedings until 30 days after either the Federal Circuit’s judgments in *Maine Community Health Options*, *Community Health Choice*, and *Common Ground Health Cooperative* become final and non-appealable, or the Supreme Court of the United States resolves any petitions for writs of certiorari filed in those cases. *Id.*

In light of the foregoing, and for good cause shown, the Court **GRANTS** the parties’ joint motion and **STAYS** further proceedings in this matter. Pursuant to Rule 13.3 of the Rules of the Supreme Court of the United States and the Supreme Court’s March 19, 2020, Order extending the time for filing a petition for a writ of certiorari to 150 days, the last date for the

plaintiffs in those appeals to file petitions for writs of certiorari is April 9, 2021, in *Maine Community Health Options* and *Community Health Choice*, and May 15, 2021, in *Common Ground Health Cooperative*. And so, the parties shall **FILE** a joint status report indicating the status of *Maine Community Health Options*, *Community Health Choice*, and *Common Ground Health Cooperative*, as well as proposing further proceedings, on or before **June 14, 2021**.

IT IS SO ORDERED.

s/ Lydia Kay Griggsby _____
LYDIA KAY GRIGGSBY
Judge