

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 March 17, 2021 Order (ECF No. 141). The Parties jointly request that the Court provide them until July 30, 2021 to submit a proposal regarding further proceedings in this matter.

On June 21, 2021, the United States Supreme Court denied Plaintiff Common Ground Healthcare Cooperative’s petition for a writ of certiorari (No. 20-1200) 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). The Supreme Court also denied the Government’s conditional cross-petition for certiorari regarding the same (No. 20-1536). *See* Orders List (U.S. June 21, 2021). Additionally, on that same day, the Court denied the petition for writ of certiorari and the Government’s conditional cross-petition in *Maine Community Health Options v. United States* (No. 20-1162), which also sought review of the Federal Circuit’s August 14, 2020 decision. *See* Orders List (U.S. June 21, 2021).

The parties have begun discussions regarding the next steps in this litigation. However, because the Government must consult with and obtain approval from numerous interested stakeholders before agreeing to any proposal, and because class counsel must communicate with more than one hundred class members, the parties need additional time to formulate such a proposal for the Court. To this end, the Parties propose that they file a status report with this Court by July 30, 2021 proposing the next steps to take in this litigation.

DATED: July 6, 2021

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

/s/ Stephen Swedlow

Stephen Swedlow
stephenswedlow@quinnemanuel.com
191 N. Wacker Drive, Suite 2700
Chicago, Illinois 60606
Telephone: (312) 705-7400
Facsimile: (312) 705-7401

J.D. Horton

jdhorton@quinnemanuel.com
Adam B. Wolfson
adamwolfson@quinnemanuel.com
865 S. Figueroa Street
Los Angeles, California 90017
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

*Attorneys for Plaintiff Common Ground
Healthcare Cooperative and the Class*

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

MARTIN F. HOCKEY, JR.
Acting Director

/s/ Claudia Burke
CLAUDIA BURKE
Assistant Director

/s/ Christopher J. Carney
CHRISTOPHER J. CARNEY
Senior Litigation Counsel
Commercial Litigation Branch
Civil Division
U.S. Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, DC 20044
Telephone: (202) 305-7597
Facsimile: (202) 307-2503
Email: Chris.Carney@usdoj.gov

OF COUNSEL:

MARC S. SACKS
Assistant Director

ERIC E. LAUFGRABEN
Senior Trial Counsel

ALBERT S. IAROSI
Trial Attorney
U.S. Department of Justice

*Attorneys for Defendant United States of
America*