

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

_____)	
LOCAL INITIATIVE HEALTH)	
AUTHORITY FOR LOS ANGELES)	
COUNTY, dba L.A. Care Health Plan,)	
)	Nos. 20-1393 (L), 20-2254
Plaintiff-Appellee,)	
)	
v.)	
)	
UNITED STATES,)	
)	
Defendant-Appellant.)	
_____)	

JOINT MOTION TO CONTINUE STAY

Plaintiff-Appellee Local Initiative Health Authority for Los Angeles County, dba L.A. Care Health Plan, and Defendant-Appellant United States hereby jointly move to continue the stay of these appeals for 60 days from the date of the Court’s order.

On December 17, 2020, this Court stayed these appeals pending the disposition of any petitions for certiorari in the Related Cases or the expiration of the time to seek certiorari if no such petitions were filed. The Court further directed that, within 14 days of the denial of any such petitions or the expiration of the time to file such petitions, the parties inform the Court how to proceed in these appeals.

On February 19, 2021, the *Maine* and *Community Health Choice* plaintiffs jointly filed a petition for writ of certiorari to the U.S. Supreme Court. *See* Pet. for Writ of Certiorari, *Maine Cmty. Health Options v. United States* (No. 20-1162). On April 9, 2021,

the United States filed a conditional cross-petition for a writ of certiorari. *See* Pet. for Writ of Certiorari, *United States v. Maine Cmty. Health Options* (No. 20-1432). On February 24, 2021, Common Ground also filed a petition for writ of certiorari to the U.S. Supreme Court seeking review of the Federal Circuit’s judgment. *See* Pet. for Writ of Certiorari, *Common Ground Healthcare Co-Op v. United States* (No. 20-1200). The Government filed a conditional cross-petition on April 30, 2021. *See* Pet. for Writ of Certiorari, *United States v. Common Ground Healthcare Co-op* (No. 20-1536).

On June 28, 2021, the U.S. Supreme Court denied all petitions and cross-petitions for certiorari filed in the above cases. Since then, the parties have initiated discussions to determine whether they could agree to engage in a process to reach a negotiated, final resolution of some or all of these cases, which seek recovery of Cost Share Reduction amounts owed by the government for benefit years 2018 and beyond. To facilitate these discussions, the parties jointly request that this Court continue the stay for 60 days from the date of its order to allow additional time to resolve some or all of the pending claims without further litigation on the measure of damages.

Dated: July 1, 2021

s/ Lawrence S. Sher
Lawrence S. Sher
REED SMITH LLP
1301 K Street, NW, Suite 1000
Washington, D.C. 20005
Tel: (202) 414-9200
Fax: (202) 414-9299
lsher@reedsmith.com

*Attorney for Plaintiff-Appellee Local Initiative
Health Authority for Los Angeles County, dba
L.A. Care Health Plan*

s/ Alisa B. Klein

Alisa B. Klein
Mark B. Stern

*Attorneys, Appellate Staff Civil Division,
Room 7235
U.S. Department of Justice
950 Pennsylvania Avenue NW Washington,
DC 20530
(202) 514-1597
Alisa.klein@usdoj.gov*

CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that this Joint Motion complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), it contains 364 words.

s/ Lawrence S. Sher _____

Lawrence S. Sher

REED SMITH LLP

1301 K Street, NW, Suite 1000

Washington, D.C. 20005

Tel: (202) 414-9200

Fax: (202) 414-9299

lsher@reedsmith.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 1, 2021, I caused the foregoing Joint Motion to be filed with the Clerk for the Court for the United States Court of Appeals for the Federal Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ Lawrence S. Sher

Lawrence S. Sher
REED SMITH LLP
1301 K Street, NW, Suite 1000
Washington, D.C. 20005
Tel: (202) 414-9200
Fax: (202) 414-9299
lsher@reedsmith.com