

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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MOLINA HEALTH CARE OF CALIFORNIA,)		
INC., et al.,)		
)	
Plaintiffs,)		Case No. 18-333
)	(Judge Meyers)
v.)		
)	
THE UNITED STATES,)		
)	
Defendant.)		
_____)		

JOINT STATUS REPORT

Pursuant to the Court’s February 26, 2021 order (ECF No. 23) the parties submit this joint status report. The February 26 order stayed proceedings in this matter, and directed the parties to file a joint status report proposing further proceedings within 30 days of the Supreme Court’s resolution of the petitions and cross-petitions for certiorari in various related cost-sharing reduction (CSR) appeals.

On June 21, 2021, the U.S. Supreme Court denied the petition for writ of certiorari (No. 20-1162) and the Government’s conditional cross-petition (No. 20-1432) in *Maine Community Health Options v. United States*, which sought review of the Federal Circuit’s CSR decision in *Community Health Choice, Inc. v. United States*, Nos. 2019-1633, -2102, 2020 WL 4723757 (Fed. Cir. Aug. 14, 2020). *See* Orders List (U.S. June 21, 2021). Additionally, on that same day, the Court denied 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 *Community Health Choice* decision. The 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).

The parties have begun discussions regarding the next steps in this litigation. Several different attorneys, collectively representing a large number of plaintiff health plans—including the plaintiff here—have engaged Government counsel in initial talks regarding potential avenues for resolving the CSR matters. At present, plaintiffs’ counsel are continuing efforts to develop a proposal to share with the Government to resolve those matters without further litigation or to streamline the cases. Once that proposal is provided to the Government, Government counsel must consult with and obtain approval from numerous interested stakeholders. To this end, the parties propose that they file a status report by September 20, 2021, in which the parties will update the Court on these efforts.

Good cause exists for the Court to continue the stay of this case. The parties are working together to determine whether they may efficiently resolve this matter without further litigation or can at least streamline the cases. The complexity of the CSR cases and the number of interested stakeholders, necessitates that the parties be afforded additional time for these efforts.

s/Lawrence S. Sher
Lawrence S. Sher (D.C. Bar No. 430469)
REED SMITH LLP
1301 K Street NW
Suite 1000-East Tower
Washington, DC 20005
Telephone: 202.414.9200
Facsimile: 202.414.9299
Email: lsher@reedsmith.com

Of Counsel:

Gregory Vose (PA Bar No. 324912)
REED SMITH LLP
Reed Smith Centre
225 Fifth Avenue, Suite 1200
Pittsburgh, PA 15222
Telephone: 412.288.3131
Facsimile: 412.288.3063
Email: gvose@reedsmith.com

Counsel for Plaintiffs

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Respectfully submitted,

BRYAN M. BOYNTON
Acting Assistant Attorney General

MARTIN F. HOCKEY, JR.
Acting Director

s/Claudia Burke
CLAUDIA BURKE
Assistant Director

s/Eric E. Laufgraben
ERIC E. LAUFGRABEN
Senior Trial Counsel
Commercial Litigation Branch
Civil Division
U.S. Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, DC 20044
Telephone: (202) 353-7995
Facsimile: (202) 353-0461
Email: Eric.E.Laufgraben@usdoj.gov

OF COUNSEL:

CHRISTOPHER J. CARNEY
Senior Litigation Counsel

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

Attorneys for Defendant