

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

COMMUNITY HEALTH CHOICE, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 18-05
	)	(Judge Davis)
THE UNITED STATES,	)	
	)	
Defendant.	)	
	)	
	)	

JOINT MOTION FOR LEAVE TO FILE JOINT STATUS REPORT OUT OF TIME

Pursuant to the Court’s August 4, 2021 order (ECF No. 52) and Rule 6(b) of the Rules of this Court, the parties respectfully request leave of Court to file the accompanying Joint Status Report out of time.

Pursuant to a prior order of the Court (ECF No. 51), a Joint Status Report was due by July 21, 30 days after the U.S. Supreme Court’s denial of all writs of certiorari. The parties’ failure to meet that deadline is the result of inadvertence of counsel for both parties, for which counsel apologizes.

As the accompanying Joint Status Report reflects, discussions between counsel regarding next steps in this litigation did begin shortly after the Supreme Court’s denial of the writs of certiorari and good faith efforts to explore potential avenues for resolving this matter (and other, similar CSR cases) remain ongoing at this time. For the reasons set forth in said Joint Status Report, the parties propose to submit another Joint Status Report to the Court by September 20, at which time they will inform the Court of the status of their discussions. Accordingly, we respectfully submit that, pursuant to Rule 6(b), the parties’ failure to file a timely Joint Status Report should be deemed the result of excusable neglect, and that good cause exists to permit a

filing out of time in this instance.

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August 16, 2021

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	)	
THE UNITED STATES,	)	
	)	
Defendant.	)	
	)	

JOINT STATUS REPORT

Pursuant to the Court’s August 4, 2021 order (ECF No. 52), the parties submit this joint status report proposing further proceedings in this matter.

As the Court is aware, 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, 970 F.3d 1364 (Fed. Cir. 2020). *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.

Respectfully submitted,

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