

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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MOLINA HEALTHCARE OF CALIFORNIA, )		
INC., <i>et al.</i> )		
	)	
Plaintiffs, )		Case No. 18-333
	)	(Judge Meyers)
v. )		
	)	
THE UNITED STATES, )		
	)	
Defendant. )		
_____ )		

JOINT STATUS REPORT

Pursuant to the Court’s July 27, 2021 order (ECF No. 25) the parties respectfully submit this joint status report. The July 27 order continued the stay in these proceedings, and directed the parties to file a joint status report proposing further proceedings by September 20, 2021.

In July, 2021, shortly after 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), the parties began 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.

The parties’ resolution efforts are continuing at this time, and the parties respectfully request that the stay of this matter continue for an additional 45 days, at which time a joint status report will be filed. At present, plaintiffs’ counsel are continuing efforts to develop a proposal to share with the Government to collectively resolve the damages and mitigation issues in the CSR

cases without further litigation or to streamline resolution of these cases. Plaintiffs' counsel expects to share a proposal and methodology to resolve the damages and mitigation issues in these cases with the Government within 45 days. Thereafter, the Government's counsel must consult with and obtain approval from its decision makers and stakeholders and will provide a substantive response to Plaintiffs' counsel's proposal and methodology.

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. The parties therefore jointly propose that they file a status report by November 4, 2021, in which the parties will update the Court on the status of these efforts.

Dated: September 20, 2021

/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

*Attorneys for Plaintiffs*

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. IAROSSI  
Trial Attorney  
Civil Division  
U.S. Department of Justice

*Attorneys for Defendant*