

IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

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|--------------------------------------|---------------------------|
| _____) | |
| 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

Pursuant to the Court’s October 21, 2021 order (ECF No. 21), 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.

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—

engaged Government counsel in discussions regarding potential resolution of the CSR matters through settlement.

Plaintiffs' counsel plan to share a proposal with the Government this week to attempt to collectively resolve the damages and mitigation issues in the CSR cases without further litigation or to significantly streamline resolution of the remaining damages/mitigation issues in these cases. Thereafter, the Government has agreed that it will review Plaintiffs' proposal, consult with government actuaries and provide Plaintiffs with a substantive response. The parties' resolution efforts are progressing and the parties respectfully request that the stay of this matter continue for an additional 60 days, at which time the parties will file a joint status report.

Good cause exists for the Court to continue the existing 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 damages and mitigation issues in this case. The complexity of the CSR cases and the large number of interested stakeholders, necessitates that the parties be afforded additional time to complete these efforts. The parties therefore jointly propose that they file a status report by February 4, 2022, in which the parties will update the Court on the status of their efforts to resolve this matter.

Dated: December 6, 2021

s/ Lawrence S. Sher
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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 351 words.

s/ Lawrence S. Sher _____

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 6, 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
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