

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

BLUE CROSS OF CALIFORNIA, *et al.*,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

No. 20-606 C  
Judge Bonilla

**JOINT STATUS REPORT**

Pursuant to the Court's January 3, 2022 order (ECF No. 21) the parties respectfully submit this joint status report to request that the Court continue the stay in these proceedings. On January 3, 2022, the Court continued the stay in this case and ordered the parties to file a joint status report on or before March 4, 2022. *Id.*

This case is currently stayed because the Government is working with a number of CSR plaintiffs to determine whether they may efficiently resolve this matter without further litigation or at least streamline these cases. 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. The parties to a number of

these CSR cases, including this one, have also presented joint stipulations for entry of partial final judgment as to the CSR amounts owed by the Government for 2017.

The parties request that the Court continue the stay to provide more time for the broader discussions about possible approaches to resolving this and other CSR cases. As the parties reported before, counsel for a large number of plaintiff health plans shared a proposal with the Government on December 3, 2021. The Government's review of the proposal is ongoing. The Government hopes to provide Plaintiffs with a substantive response soon. Plaintiffs here have expressed a willingness to consider seriously the method, if any, that the Government is able to agree to with the other CSR plaintiffs for resolving or streamlining the CSR cases. The complexity of the CSR cases and the number of interested stakeholders necessitate that the parties be afforded additional time for these efforts. Good cause therefore exists to continue the stay.

Accordingly, the parties jointly request that the Court continue the stay in this case and the parties will file a JSR within 30 days to update the Court on the status of their efforts to fully resolve this matter.

March 4, 2022

Respectfully submitted,

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