

**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 FOR LIMITED REMAND AND TO OTHERWISE  
CONTINUE STAY**

Plaintiff-Appellee Local Initiative Health Authority for Los Angeles County, dba L.A. Care Health Plan, and Defendant-Appellant United States hereby jointly move for limited remand of Plaintiff-Appellee’s 2017 Cost Share Reduction (“CSR”) claims to the U.S. Court of Federal Claims. On remand, the Government will stipulate to liability and damages for Plaintiffs’ 2017 CSR claims and entry of partial final judgment on the 2017 CSR judgment previously entered on November 19, 2019. Thus, the parties jointly move the Court to remand the 2017 CSR claims to enable the U.S. Court of Federal Claims to enter partial final judgment on Plaintiff-Appellee’s 2017 CSR claims and damages.

With respect to the remaining claims, the parties jointly move to continue the abeyance of this appeal for another 60 days.

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.

On December 3, 2021, Plaintiffs' counsel shared a proposal with the Government 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. The Government has agreed that it will review Plaintiffs' proposal, consult with government actuaries and provide Plaintiffs with a substantive response, which it expects to do so shortly. 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 appeal. The parties therefore jointly propose that they file a status report by April 19, 2022, in which the parties will update the Court on the status of their efforts to resolve this matter.

Dated: February 18, 2022

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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 378 words.

*s/ Lawrence S. Sher* \_\_\_\_\_

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on February 18, 2022, 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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