

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

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MAINE COMMUNITY HEALTH OPTIONS, )	)
)	)
Plaintiff, )	Case No. 17-2057 C
)	)
v. )	Judge Kathryn C. Davis
)	)
THE UNITED STATES, )	)
)	)
Defendant. )	)
)	)
_____ )	)

**JOINT MOTION FOR LEAVE TO FILE OUT OF TIME**

Pursuant to this Court’s May 9, 2022 Order (ECF No. 60) and Rule 6 of the United States Court of Federal Claims, the parties jointly and respectfully submit this motion for leave to file out of time the attached joint status report regarding the status and next steps in this litigation.

This Court’s March 8, 2022 Order granted the parties’ request for continued stay of this case and ordered the parties to file a joint status report by May 3, 2022, updating the Court on the status of settlement negotiations. The parties inadvertently failed to file a joint status report on May 3, 2022. We apologize for the inconvenience this oversight has caused, but assure the Court that we have been closely working together, and with many other parties with related CSR cases, to determine whether they may efficiently resolve this matter without further litigation or at least streamline this and other related cases.

The complexity of these cost-sharing reduction (CSR) cases and the number of interested stakeholders necessitate additional time to pursue this mutual attempt to resolve the damages issues in this case without further litigation, and the parties respectfully request that the Court grant this motion to file out of time the attached joint status report, which requests a continued

stay in this case until July 6, 2022. At that time, the parties will file another joint status report to update the Court on the status of their efforts to fully resolve this matter.

May 12, 2022

s/ Stephen McBrady  
Stephen McBrady  
CROWELL & MORING LLP  
1001 Pennsylvania Avenue, NW Washington, DC  
20004  
Telephone: (202) 624-2500  
Facsimile: (202) 628-5116  
SMcBrady@crowell.com

OF COUNSEL:

Charles Baek

CROWELL & MORING LLP  
1001 Pennsylvania Avenue, NW  
Washington, DC 20004

Counsel for Plaintiff

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

PATRICIA M. McCARTHY  
Director

s/ Claudia Burke  
CLAUDIA BURKE  
Assistant Director

s/ David M. Kerr  
DAVID M. KERR  
Trial Attorney  
Commercial Litigation Branch  
Civil Division  
U.S. Department of Justice  
P.O. Box 480  
Ben Franklin Station  
Washington, DC 20044  
Telephone: (202) 307-3390  
Email: David.M.Kerr@usdoj.gov

OF COUNSEL:

ALBERT S. IAROSI  
Trial Attorney

Civil Division  
U.S. Department of Justice

Counsel for Defendant

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	)	
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_____	)	

**JOINT STATUS REPORT**

Pursuant to the Court’s March 8, 2022 status report order, the parties respectfully submit this joint status report to request that the Court continue the stay in these proceedings. The March 8 order directed the parties to file a joint status report on or before May 3, 2022.

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 January 19, 2022, the parties filed a Joint Stipulation for Entry of Partial Final Judgment (ECF No. 53) to resolve damages owed through December 31, 2017. On January 24,

2022, the Court granted the stipulation and directed the Clerk to enter partial final judgment (ECF No. 55).

With respect to remaining damages after December 31, 2017, 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. On April 28, 2022, the Government provided its substantive response to the CSR plaintiffs' proposed settlement methodology for CSR damages owed for benefit years 2018 and beyond. CSR plaintiffs are reviewing the Government's response, after which the parties plan to meet and confer regarding the Government's response and the potential mutual resolution of pending CSR claims for benefit years 2018 and beyond. 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 July 6, 2022, in which the parties will update the Court on the status of their efforts to resolve this matter.

May 12, 2022

Respectfully submitted,

s/ Stephen McBrydy  
Stephen McBrydy  
CROWELL & MORING LLP  
1001 Pennsylvania Avenue, NW Washington, DC  
20004  
Telephone: (202) 624-2500  
Facsimile: (202) 628-5116  
SMcBrydy@crowell.com

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

PATRICIA M. McCARTHY  
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Trial Attorney  
Commercial Litigation Branch  
Civil Division  
U.S. Department of Justice

OF COUNSEL:

Charles Baek

CROWELL & MORING LLP  
1001 Pennsylvania Avenue, NW  
Washington, DC 20004

Counsel for Plaintiff

P.O. Box 480  
Ben Franklin Station  
Washington, DC 20044  
Telephone: (202) 307-3390  
Email: David.M.Kerr@usdoj.gov

OF COUNSEL:

ALBERT S. IAROSCI  
Trial Attorney

Civil Division  
U.S. Department of Justice

Counsel for Defendant