

IN THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

MAINE COMMUNITY HEALTH)	
OPTIONS,)	
)	
Plaintiff-Appellant,)	No. 17-2395
)	
v.)	
)	
)	
UNITED STATES,)	
)	
Defendant-Appellee.)	
)	

CONSENT MOTION FOR ENTRY OF JUDGMENT

Plaintiff-Appellant Maine Community Health Options respectfully moves for this court to enter a judgment in this case consistent with this Court's decisions in *Moda Health Plan, Inc. v. United States*, No. 17-1994, and *Land of Lincoln Mutual Health Insurance Co. v. United States*, No. 17-1224. The parties have conferred, and Defendant-Appellee consents to this motion.

On June 14, 2018, this Court issued decisions in *Moda* and *Land of Lincoln*, both in favor of the Government. This case and its companion case, *Blue Cross and Blue Shield v. United States*, No. 17-2154, were assigned to the same merits panel as *Moda* and *Land of Lincoln*, as all four cases involve the same issues. As such, the parties agree that this case is now controlled as a matter of *stare decisis* by the panel's opinion in *Moda* and *Land of Lincoln*, and respectfully request that

this Court enter a judgment against the Plaintiff-Appellant in this case. Plaintiff-Appellant maintains its disagreement with those decisions and makes this request because it intends and expects to seek further review, including a request for rehearing *en banc*. Prompt entry of the requested order will allow for better coordination of any requests for *en banc* consideration in this case and any that may be pursued in *Moda* and *Land of Lincoln*.

June 29, 2018

/s/ Stephen J. McBrady

Stephen J. McBrady
(Counsel of Record)
Crowell & Moring LLP
1001 Pennsylvania Ave., NW
Washington, DC 20004-2595
Tel: (202) 624-2547
Fax: (202) 628-5116
SMcBrady@crowell.com

*Attorney for Plaintiff-Appellant Maine
Community Health Options*

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2018, I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Federal Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ Stephen J. McBrady
Stephen J. McBrady

CERTIFICATE OF COMPLIANCE

This motion complies with the length limits permitted by Federal Rule of Appellate Procedure (“Fed. R. App. Proc.”) 32(i). The body of the letter contains 214 words.

This motion complies with the typeface requirement of Fed. R. App. Proc. 32(a)(5) and the type style requirement of Fed. R. App. Proc. 32(a)(6): it has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14 point size.

In preparing this certificate of compliance, I have relied upon the word count function of the word processing system that was used to prepare the motion.

June 29, 2018

/s/ Stephen J. McBrady
Stephen J. McBrady