

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

BLUE CROSS AND BLUE SHIELD)
OF NEBRASKA,)
)
and)
)
HAWAII MEDICAL SERVICE ASSOCIATION)
)
Plaintiffs,)
on behalf of themselves and all)
others similarly situated,)
)
v.) Case No. 18-491 C
)
THE UNITED STATES OF AMERICA,)
)
Defendant.)
)
Judge Braden

JOINT STATUS REPORT AND REQUEST TO CONTINUE STAY OF PROCEEDINGS

On June 12, 2018, the Court stayed this case pending the Federal Circuit's final decisions in *Land of Lincoln Mutual Health Insurance Company v. United States*, No. 17-1224, and *Moda Health Plan, Inc. v. United States*, No. 17-1994. Dkt. 10. The Court directed the parties to file a joint status report within thirty days after the Federal Circuit renders a final decision in *Land of Lincoln* and *Moda*. Dkt. 10. On June 14, 2018, the Federal Circuit decided *Land of Lincoln* and *Moda*, No. 17-1224, Dkt. 166-1; No. 17-1994, Dkt. 87-1, and on November 6, 2018, denied plaintiff-insurers' petitions for en banc consideration, No. 17-1224, No. 17-1994, Dkt. 148.

In order to conserve the resources of the parties and this Court, the parties respectfully inform the Court of their desire to continue the stay in this case until the decisions in *Land of Lincoln* and *Moda* are non-appealable, including through the time for the disposition of any petition for a writ of certiorari that may be filed before the United States Supreme Court. If no petition for a writ of certiorari is filed, the parties propose that they be required to file a status

report with this Court within 30 days after the date for that petition has passed. If a petition for a writ of certiorari is filed, the parties propose that they be required to file a status report with this Court within 30 days after final disposition by the United States Supreme Court.

Dated: December 6, 2018

Respectfully submitted,

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