

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

MOLINA HEALTHCARE OF)	
CALIFORNIA, INC., et al.,)	
)	
Plaintiffs,)	No. 18-333C
)	
v.)	
)	Judge Wheeler
THE UNITED STATES,)	
)	
Defendant.)	
)	

**JOINT STATUS REPORT AND REQUEST
TO CONTINUE STAY OF PROCEEDINGS**

On April 12, 2018, the Court stayed this case pending the Federal Circuit's 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. 9. As numerous judges of this Court have recognized, the risk corridors issues involved in *Land of Lincoln* and *Moda* are nearly identical or substantially similar to those involved in the 50 or so other risk corridors cases pending before this Court seeking recovery of additional payments under the risk corridors program created by section 1342 of the Patient Protection and Affordable Care Act, 42 U.S.C. § 18062.

The Court required the parties to submit a status report no later than 30 days following the *Land of Lincoln* and *Moda* decisions. Dkt. 9. 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. The Federal Circuit reversed the judgment in the insurer's favor in *Moda* and affirmed the judgment in favor of the United States in *Land of Lincoln*.

The parties have consulted and have agreed to the continuation of the stay now in effect through the time provided in the appellate court's rules for the filing of a petition for rehearing

and/or rehearing en banc, Fed. Cir. R. 35, 40, and through the final resolution of any petition for a writ of certiorari.

Therefore, in order to conserve the resources of the parties and this Court, the parties respectfully jointly request that the Court continue the stay in this case until the Federal Circuit has issued its final mandates in *Moda* and *Land of Lincoln* and through the time for the final disposition of any petition for a writ of certiorari that may be filed before the United States Supreme Court. The parties propose that they be required to file a status report with this Court within 15 days after the judgments in *Moda* and *Land of Lincoln* have become final and non-appealable.

Dated: July 13, 2018

Respectfully submitted,

/s/ Lawrence S. Sher

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