

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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|--|---|---------------------|
| BLUE CROSS OF CALIFORNIA, HMO |) | |
| COLORADO, INC., dba HMO NEVADA, |) | |
| ROCKY MOUNTAIN HOSPITAL AND |) | |
| MEDICAL SERVICE, INC., dba ANTHEM |) | |
| BLUE CROSS AND BLUE SHIELD, |) | |
| ANTHEM HEALTH PLANS, INC., BLUE |) | |
| CROSS BLUE SHIELD HEALTHCARE |) | No. 19-1770C |
| PLAN OF GEORGIA, INC., ANTHEM |) | |
| INSURANCE COMPANIES, INC., |) | |
| ANTHEM HEALTH PLANS OF KY, INC., |) | |
| HEALTHY ALLIANCE LIFE COMPANY, |) | |
| EMPIRE HEALTHCHOICE |) | |
| HMO, INC., COMMUNITY INSURANCE |) | Judge Horn |
| COMPANY, and |) | |
| COMPCARE HEALTH SERVICES |) | |
| INSURANCE COMPANY, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| THE UNITED STATES OF AMERICA, |) | |
| |) | |
| Defendant. |) | |
| |) | |

CONSENT MOTION TO STAY PROCEEDINGS

The United States respectfully moves the Court, with Plaintiffs' consent, to stay this action until the United States Supreme Court issues a decision in the four cases consolidated for the purposes of briefing and oral argument under the lead case *Maine Community Health Options v. United States*, 729 F. App'x 939 (Fed. Cir. 2018), *cert. granted*, 139 S. Ct. 2743 (U.S. June 24, 2019) (No. 18-1023) (the "risk corridors cases"). Argument is scheduled for December 10, 2019.

On November 18, 2019, Plaintiffs filed this action seeking \$107,551,274 in money damages for benefit years 2014-16 of the risk corridors program, 42 U.S.C. § 18062, created by

the Patient Protection and Affordable Care Act. Dkt. 1. The legal issues presented in this case are similar to the issues relating to the risk corridors program raised in the risk corridors cases pending before the Supreme Court. Thus, a stay here will conserve judicial resources and the resources of both parties.

For these reasons, the United States respectfully moves the Court, with Plaintiffs' consent, to stay this action until the Supreme Court issues a decision in the risk corridors cases. Additionally, the United States requests that the Court order the parties to file a joint status report within 30 days of such a decision, advising the Court as to future proceedings in this case.

Dated: December 2, 2019

Respectfully submitted,

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