

In the United States Court of Federal Claims

No. 16-1384
(Filed: 12 May 2020)

BLUE CROSS OF IDAHO HEALTH
SERVICE, INC.,

*

*

*

Plaintiff,

*

*

*

v.

*

*

THE UNITED STATES,

*

*

Defendant.

*

*

ORDER

On 27 June 2018, the previous judge assigned to this case stayed the case until further order of the Court and ordered the parties to file a joint status report within 15 days after the judgments in *Moda Health Plan, Inc. v. United States*, Federal Circuit Case No. 17-1994 and *Land of Lincoln Mutual Health Insurance Company v. United States*, Federal Circuit Case No. 17-1224 “become final and non-appealable.” Order, ECF No. 21. This case was reassigned to the undersigned Judge on 29 July 2019. *See* Order, ECF No. 22.

On 27 April 2020, the Supreme Court issued its opinion in *Maine Community Health Options v. United States*, which was decided together with *Moda Health Plan, Inc.* and *Land of Lincoln Mutual Health Insurance Company*. Joint Status Report at 1, ECF No. 24. On 12 May 2020, the parties filed a joint status report explaining their respective positions based on the Supreme Court’s decision. *See generally id.* Plaintiff proposes “[t]he parties confer and jointly report to the Court within 15 days, by May 27, 2020, the total risk corridors damages amount owed by stipulation, if possible.” *Id.* at 4. If the parties agree on a total damage amount owed, then plaintiff proposes the parties “file a motion for consent judgment in that amount within the same 15-day period.” *Id.* If, on the other hand, the parties cannot “stipulate to an agreed-upon total risk corridors damages amount owed,” plaintiff proposes the parties “explain the difference/discrepancy in total damages amounts . . . in a joint status report due to be filed within the same 15-day period.” *Id.* at 4–5. The government, on the other hand, explains the government “continues to review the Supreme Court’s opinion.” *Id.* at 4. Since “[t]hat process of review requires that [the government] confer with various components within the Department of Justice and the Department of Health and Human Services,” the government requests “the Court allow the government 45 days within which to consider its position” in the risk corridor cases before this Court. *Id.* at 10.

For good cause shown and consistent with this Court's 5 May 2020 order in *Blue Cross and Blue Shield of Tennessee*, No. 17-348, the Court's 11 May 2020 order in *Blue Cross and Blue Shield of Alabama v. United States*, No. 17-347, and the Court's 12 May 2020 order in *Health Net, Inc. v. United States*, 16-1722, the parties shall file a joint status report on or before **29 May 2020** proposing a schedule for future proceedings in this case.

IT IS SO ORDERED.

s/ Ryan T. Holte
RYAN T. HOLTE
Judge