

In the United States Court of Federal Claims

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* **BLUECROSS BLUESHIELD OF**
* **TENNESSEE, INC.,**
*
* **Plaintiff,**
*
* **v.**
* **No. 17-348C**
* **Filed: June 27, 2018**
*
* **UNITED STATES,**
*
* **Defendant.**

ORDER

The court is in receipt of the parties' June 26, 2018 joint status report and their request to continue the stay of proceedings. The June 26, 2018 joint status report reflects that on June 4, 2018, the United States Court of Appeals for the Federal Circuit issued decisions Land of Lincoln Mutual Health Insurance Company v. United States, No. 17-1224C, and Moda Health Plan, Inc. v. United States, No. 17-1994C, both of which substantially overlap with the issues in the above captioned case. As noted in the June 26, 2018 joint status report, 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 in the above captioned case "request that the Court continue the stay in this case until the Federal Circuit has issued its mandates in *Moda* and *Land of Lincoln* and through the time for the disposition of any petition for a writ of certiorari that may be filed before the United States Supreme Court." In addition, the parties "propose that they be required to file a status report with this Court within 30 days after the judgments in *Moda* and *Land of Lincoln* have become final and non-appealable." As requested, within 30 days of when the judgments in Land of Lincoln Mutual Health Insurance Company v. United States, No. 17-1224C, and Moda Health Plan, Inc. v. United States, No. 17-1994C are final and non-appealable, the parties shall file a joint status report informing the court of the final judgments and proposing a schedule for how to proceed in the above captioned case. In addition, the parties shall file a joint status report if a petition for rehearing, a petition for rehearing en banc, or a petition for certiorari is filed in either Land of Lincoln Mutual Health Insurance Company v. United States, No. 17-1224C, or Moda Health Plan, Inc. v. United States, No. 17-1994C. One party may file the joint status report with the consent of the other party reflected in the joint status report.

IT IS SO ORDERED.

s/Marian Blank Horn
MARIAN BLANK HORN
Judge