

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

MEDICA HEALTH PLANS, MEDICA
INSURANCE COMPANY, AND MEDICA
HEALTH PLANS OF WISCONSIN,

Plaintiff,)
v.) No. 17-94 C
THE UNITED STATES OF AMERICA,) Judge Horn
Defendant.)

)

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

As reflected in its March 22, 2017 docket entry, the Court stayed this case following the resolution of the appeal in *Land of Lincoln Mutual Health Insurance Company v. United States*, No. 17-1224. Since the Court's stay order, the Federal Circuit ordered Land of Lincoln's appeal to be considered a companion case to *Moda Health Plan, Inc. v. United States*, No. 17-1994, and that the two cases be assigned the same merits panel. *See Land of Lincoln Mut. Ins. Co. v. United States*, No. 17-1224 (Fed. Cir.) [ECF No. 140]. 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 parties submit this report to ensure the Court is informed of these developments and the parties' desire to continue the stay in this case until the decisions in *Land of Lincoln* and *Moda* are no longer reviewable.

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 Federal Circuit rejected the insurers' claims for additional payments under the risk corridors program

based upon statutory, contract, and takings theories. *Moda*, No. 17-1994, Dkt. 87-1 at 35; *Land of Lincoln*, No. 17-1224, Dkt. 166-1 at 3. Plaintiff's Complaint asserts theories substantially similar to those considered in the *Land of Lincoln* and *Moda* appeals.

In order to conserve the resources of the parties and this Court, the parties respectfully 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. 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 no further review is available.

Dated: August 16, 2018

Respectfully submitted,

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