

# In the United States Court of Federal Claims

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AFFINITY HEALTH PLAN, INC.,	)	No. 18-110C (Filed: May 13, 2020)
	)	
Plaintiff,	)	
v.	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	
	)	
	)	
	)	

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## ORDER

This case was stayed pending final resolution on appeal of Moda Health Plan, Inc. v. United States and Land of Lincoln Mutual Health Insurance Co. v. United States. On April 27, 2020, the Supreme Court issued its decision in Maine Community Health Options v. United States, No. 18-1023, 590 U.S. --- (2020), which was consolidated on appeal with Moda and Land of Lincoln.

The parties disagree regarding next steps. Affinity maintains that the Centers for Medicare and Medicaid Services' calculation of the amount owing is undisputed, and that the stay should be lifted and final judgment entered in favor of Affinity. Joint Status Report at 3, ECF No. 9. Affinity requests that the Court extend the stay for fifteen days to allow the government to consider whether to stipulate to judgment to this amount. Id.

The government requests forty-five days to consider its position and create a proposal for going forward. It maintains it requires this time to finish its review of the Supreme Court's opinion, to confer with components of the Department of Justice and the Department of Health and Human Services, to identify prior distributions of risk corridors collections, and to analyze any outstanding debts to HHS. Id. at 4–6. The government points out that there are more than sixty-four individual cases pending in the court of federal claims related to the nationwide risk corridors program, and the United States would like to resolve all claims in a similar manner. Id. at 5.

While the Court appreciates that Plaintiff has an interest in receiving all appropriate monetary relief without undue delay, it believes that the government's request for additional time to coordinate its strategy for resolving the many related claims is reasonable.

The Court therefore orders that the **STAY** in this case be **LIFTED**. The parties shall file a joint status report by June 29, 2020 proposing further proceedings. During this period of time, the plaintiff may file an amended complaint if it so chooses, but the government's obligation to respond to the plaintiff's complaint or any amended complaint is deferred pending further action by the Court after the joint status report is filed.

**IT IS SO ORDERED.**

s/ Elaine D. Kaplan

ELAINE D. KAPLAN

Judge