

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

BLUE CROSS AND BLUE SHIELD)	
OF ARIZONA, INC.,)	
)	
Plaintiff,)	
)	No. 18-282C
v.)	
)	Judge Elaine D. Kaplan
THE UNITED STATES OF)	
AMERICA,)	
)	
Defendant.)	
)	

UNOPPOSED MOTION TO STAY PROCEEDINGS UNTIL APRIL 30, 2018

The United States respectfully moves the Court to stay this action until April 30, 2018. The United States requests that the Court order the parties to submit a joint status report by April 23, 2018 advising the Court of the parties' positions on whether the stay should be lifted or continued. Plaintiff, Blue Cross Blue Shield of Arizona, Inc. (BCBS-AZ), does not oppose this motion.

BCBS-AZ filed this action seeking more than \$70 million in money damages under Section 1342 of the Patient Protection and Affordable Care Act (ACA), 42 U.S.C. § 18062, and 45 C.F.R. § 153.500, *et seq.*, and alleging a breach of an implied-in-fact contract. *See* Compl., Dkt. 1, at 20–24. The United States' response to the Complaint is currently due on April 23, 2018.

As this Court is aware, the issues presented in this case substantially overlap and, in many respects, are identical to the issues raised in approximately 50 cases filed in this Court seeking risk corridor payments. Four cases have been decided and are currently on appeal to the Federal Circuit. The Federal Circuit heard argument in two of those cases, *Land of Lincoln Mutual Health Insurance Company v. United States*, No. 17-1224 (Fed. Cir.), and *Moda Health Plan, Inc. v. United States*, No. 17-1994 (Fed. Cir.), on January 10, 2018. Two additional appeals, *Blue Cross*

& *Blue Shield of North Carolina v. United States*, No. 17-2154 (Fed. Cir.), and *Maine Community Health Options v. United States*, No. 17-2395 (Fed. Cir.), are fully briefed.

As with the other risk corridors cases before this Court, most of which have been stayed, efficiency and judicial economy weigh in favor of a stay. *See, e.g., Oregon's Health CO-OP v. United States*, No. 18-94C, Dkt. 7 (Feb. 2, 2018). A decision by the Federal Circuit in *Land of Lincoln* or *Moda* would likely resolve or narrow the legal issues remaining in this case.

In three other risk corridors cases before this Court in which BCBS-AZ's counsel is counsel for the plaintiff, the Court has entered stays through April 30, 2018 and has ordered the parties to file joint status reports by April 23, 2018. *See Blue Cross & Blue Shield of Ala. v. United States*, No. 17-347C, Dkt. 15 (Fed. Cl. Jan. 25, 2018); *BlueCross BlueShield of Tenn. v. United States*, No. 17-348C, Dkt. 13 (Fed. Cl. Jan. 25, 2018); *QCC Insurance Co. v. United States*, No. 17-1312C, Dkt. 10 (Fed. Cl. Feb. 1, 2018). In the interest of efficiency, the United States requests that the Court place this case on the same schedule and stay this case until April 30, 2018, with a joint status report due on April 23, 2018.

Dated: March 20, 2018

Respectfully submitted,

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