

# In the United States Court of Federal Claims

No. 17-347  
(Filed: 3 June 2020)

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BLUE CROSS AND BLUE SHIELD  
OF ALABAMA, \*

Plaintiff, \*

v. \*

THE UNITED STATES, \*

Defendant. \*

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## ORDER

On 11 May 2020, the Court issued an order lifting the stay in this case, directing the parties to file a joint status report on or before 29 May 2020, and suspending the government's requirement to answer plaintiff's amended complaint pending further order of the Court.<sup>1</sup> Order, ECF No. 25.

Pursuant to the Court's 11 May 2020 order, the parties filed a joint status report on 29 May 2020. *See* Joint Status Report, ECF No. 27. Plaintiff contends the government "knows the amount of the risk corridor payments that are owed to Plaintiff for the 2014, 2015, and 2016 benefit years" and therefore "requests the Court to enter an Order directing Defendant to advise counsel for Plaintiff on or before June 8, 2020" whether the government disputes the amount it owes plaintiff. *Id.* at 2. Concerning liability, plaintiff maintains the government "has already had ample time to complete its review of the Supreme Court's opinion," but "is willing to agree that Defendant may have an additional 14 days, or until June 12, 2020 to complete its review of the Supreme Court's decision." *Id.* at 3. Plaintiff also "requests the Court to direct counsel for Defendant to advise counsel for Plaintiff on or before June 12, 2020, whether Defendant will stipulate to a judgment of liability" for risk corridor payments. *Id.* Lastly, plaintiff "requests the Court to direct the parties to submit a further Joint Status Report on or before June 15, 2020, that sets forth the parties' position(s) regarding the most fair and efficient process for resolving any outstanding issues in this case." *Id.* at 4.

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<sup>1</sup> In the 11 May 2020 order, the Court noted, "plaintiff reports in its motion its intent to file an amended complaint." Order at 1, ECF No. 25. Plaintiff filed the first amended complaint on 13 May 2020. *See* First Am. Compl., ECF No. 26.

The government, on the other hand, reports it continues to review the Supreme Court's decision and "requests that the Court allow the government 30 days within which to consider its position in [the risk corridor] cases and to propose, jointly with the plaintiff to the extent possible, a course to govern proceedings moving forward." *Id.* at 5.

The Court will allow the government additional time requested; however, by the end of June the government will have spent over two months considering the Supreme Court's decision in *Maine Community Health Options et. al. v. United States*, 140 S. Ct. 1308 (2020). Accordingly, the Court does not expect to grant further extensions of time.

For good cause shown, the Court orders the following:

- (1) The parties shall file a joint status report on or before **29 June 2020**;
- (2) Plaintiff shall have until **29 June 2020** to further amend its complaint, if applicable; and
- (3) The government shall have until **13 July 2020** to answer plaintiff's first amended complaint, or second amended complaint, if filed by 29 June 2020.

**IT IS SO ORDERED.**

s/ Ryan T. Holte  
RYAN T. HOLTE  
Judge