IN THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Nos. 20-1393 (L), 20-2254

JOINT MOTION TO CONTINUE STAY

Pursuant to the Court's July 19, 2021 order (ECF No. 19), Plaintiff-Appellee Local Initiative Health Authority for Los Angeles County, dba L.A. Care Health Plan, and Defendant-Appellant United States hereby jointly move to continue the stay of these appeals for 45 days from the date of the Court's order.

In July, 2021, shortly after the U.S. Supreme Court denied the petition for writ of certiorari (No. 20-1162) and the Government's conditional cross-petition (No. 20-1432) in *Maine Community Health Options v. United States*, which sought review of the Federal Circuit's CSR decision in *Community Health Choice, Inc. v. United States*, Nos. 2019-1633, -2102, 2020 WL 4723757 (Fed. Cir. Aug. 14, 2020), the parties began discussions regarding the next steps in this litigation. Several different attorneys, collectively representing a large number of plaintiff health plans—including the plaintiff here—

٠,

have engaged Government counsel in initial talks regarding potential avenues for resolving the CSR matters.

The parties' resolution efforts are continuing at this time, and the parties jointly request that this Court continue the stay for 45 days from the date of its order. At present, plaintiffs' counsel are continuing efforts to develop a proposal to share with the Government to collectively resolve the damages and mitigation issues in the CSR cases without further litigation or to streamline resolution of these cases. Plaintiffs' counsel expects to share a proposal and methodology to resolve the damages and mitigation issues in these cases with the Government within 45 days. Thereafter, the Government's counsel must consult with and obtain approval from its decision makers and stakeholders and will provide a substantive response to Plaintiffs' counsel's proposal and methodology.

Good cause exists for the Court to continue the stay of this case. The parties are working together to determine whether they may efficiently resolve this matter without further litigation or can at least streamline the cases. The complexity of the CSR cases and the number of interested stakeholders, necessitates that the parties be afforded additional time for these efforts. The parties therefore jointly request that this Court continue the stay for 45 days from the date of its order to allow additional time to resolve some or all of the pending claims without further litigation on the measure of damages.

Dated: September 17, 2021

s/ Lawrence S. Sher

Lawrence S. Sher REED SMITH LLP 1301 K Street, NW, Suite 1000 Washington, D.C. 20005

Tel: (202) 414-9200 Fax: (202) 414-9299 lsher@reedsmith.com

Attorney for Plaintiff-Appellee Local Initiative Health Authority for Los Angeles County, dba L.A. Care Health Plan

s/ Alisa B. Klein

Alisa B. Klein Mark B. Stern

Attorneys, Appellate Staff Civil Division,
Room 7235
U.S. Department of Justice
950 Pennsylvania Avenue NW Washington,
DC 20530
(202) 514-1597
Alisa.klein@usdoj.gov

CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that this Joint Motion complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), it contains 373 words.

s/ Lawrence S. Sher

Lawrence S. Sher REED SMITH LLP 1301 K Street, NW, Suite 1000 Washington, D.C. 20005 Tel: (202) 414-9200

Fax: (202) 414-9299 lsher@reedsmith.com

,

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 17, 2021, I caused the foregoing Joint Motion to be filed with the Clerk for the Court for the United States Court of Appeals for the Federal Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ Lawrence S. Sher

Lawrence S. Sher REED SMITH LLP 1301 K Street, NW, Suite 1000 Washington, D.C. 20005

Tel: (202) 414-9200

Fax: (202) 414-9299 lsher@reedsmith.com