

In the United States Court of Federal Claims

No. 17-2048C

(Filed: July 25, 2022)

SENDERO HEALTH PLANS, INC.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

On December 28, 2017, Plaintiff filed its complaint against Defendant, the United States, in this Court, ECF No. 1, which Plaintiff subsequently amended, on October 16, 2019, to include claims for cost-sharing reductions payments pursuant to the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119 (2010). ECF No. 15 at 31–35. This case is one of many such cases pending before this Court. *See* ECF No. 27. The Court initially stayed this case pending the resolution of similar cost-sharing reduction payment cases before the United States Court of Appeals for the Federal Circuit. ECF No. 25. The Court further stayed this case pending the resolution of the plaintiffs’ petitions for rehearing *en banc* before the Federal Circuit in those cost-sharing reduction cases and, subsequently, petitions for *certiorari* before the United States Supreme Court. ECF Nos. 28, 30, 33, 35.

On June 21, 2021, the Supreme Court denied the *certiorari* petitions. ECF No. 38. On July 21, 2021, the parties filed a joint status report, seeking a continued stay of the proceedings in this case because “plaintiffs’ counsel [we]re continuing efforts to develop a proposal to share with the Government to resolve those matters without further litigation or to streamline the cases.” *Id.* The Court granted the request on July 27, 2021. ECF No. 39.

In the following ten months, the parties filed five joint status reports requesting that the Court extend the stay. ECF Nos. 40–44. The Court granted each such request. Minute Order (Sept. 17, 2021), Minute Order (Nov. 5, 2021), Minute Order (Jan. 27, 2022), Minute Order (Mar. 3, 2022), Minute Order (May 5, 2022).

On July 5, 2022, the parties filed another joint status report requesting an extension of the stay through September 6, 2022, at which point the parties propose filing yet another joint status report updating the Court regarding settlement progress. ECF No. 45. The parties represent, *inter alia*, that: (1) Plaintiffs are part of a large group of plaintiffs' attorneys who have engaged Government counsel in discussions to collectively settle CSR claims; (2) the parties have engaged in active and ongoing settlement discussions since at least December 3, 2021; and (3) the parties' efforts are progressing. ECF No. 45 at 1-2.

For good cause shown, the proceedings in this case shall remain **STAYED**. The parties shall file a joint status report on or before September 26, 2022, updating the Court regarding the parties' progress towards resolving this case. After that date, the parties shall file joint status reports updating the Court regarding the parties' progress toward settlement approximately every 60 days for the following six months: on or before November 28, 2022; January 27, 2023; and March 28, 2023. If the parties have not reached a settlement in principle by March 28, 2023, the parties shall include in the joint status report due that day a detailed justification for any further continuation of the stay and shall propose a schedule for further proceedings.

IT IS SO ORDERED.

s/Matthew H. Solomson
Matthew H. Solomson
Judge