

IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

LOCAL INITIATIVE HEALTH
AUTHORITY FOR LOS ANGELES
COUNTY, dba L.A. Care Health Plan,

Plaintiff-Appellee,

v.

UNITED STATES,

Defendant-Appellant.

JOINT MOTION TO CONTINUE STAY

Pursuant to the Court's November 15, 2022 order (ECF No. 33), 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 this appeal for 45 days from the date of the Court's order as to the Government's appeal of Plaintiff's judgments for CSR claims for benefit years 2018 and 2019.

Aside from the Joint Motion (ECF 24) the parties filed on February 18, 2022 with respect to remand of Plaintiff's CSR claims judgment for benefit year 2017, the remaining judgments subject to this appeal currently are stayed because the Government is working with a number of CSR Plaintiffs to determine whether they may efficiently resolve the CSR cases pending in the U.S. Court of Federal Claims

without further litigation or at least streamline these cases. The parties to a number of these CSR cases, including this one, have stipulated to entry of partial final judgment as to the CSR amounts owed by the Government for 2017. On November 15, 2022, the Court ordered the parties to file a joint status report on or before December 30, 2022.

The parties believe that the current continued stay in this case will provide more time for the parties to continue their discussions about resolving the damages amounts owed by the Government in the pending CSR cases, including this one, for benefit years 2018 and beyond without further litigation. On April 28, 2022, the Government provided its substantive response to the CSR Plaintiffs' proposed settlement methodology for CSR damages owed for benefit years 2018 and beyond. On May 20, 2022, counsel for the Government and for a number of CSR Plaintiffs, including this case, participated in a teleconference with actuaries to discuss the proposed settlement methodology and to share relevant data. On May 23, 2022, CSR Plaintiffs responded to the Government's April 28, 2022 letter. Thereafter, the parties have convened by phone multiple times, and the Government produced certain settlement-related data and other information to the CSR Plaintiffs on July 22, 2022, which the parties hope will continue to advance our settlement discussions. The parties participated in a settlement-related call on September 1, 2022, and the CSR Plaintiffs followed that call with a letter to the Government on September 15, 2022. The Government responded to the CSR Plaintiffs' letter on November 10, 2022. The CSR plaintiffs are evaluating the Government's response and plan to respond with the goal of bringing the parties'

discussions of a proposed resolution through settlement to a conclusion. The complexity of the CSR cases and the number of interested stakeholders necessitate that the parties be afforded additional time to pursue this mutual attempt to resolve the damages issues in this case without further litigation. Good cause therefore exists to continue the stay in this case for CSRs due to Plaintiff for benefit years 2018 and beyond.

Accordingly, the parties jointly request that the Court continue the stay in this appeal and the parties will file a Joint Status Report within 45 days to update the Court on the status of their efforts to fully resolve this matter.

Dated: December 30, 2022

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 523 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 December 30, 2022, 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