

## United States Court of Federal Claims

No. 16-967  
(Filed December 2, 2016)

MAINE COMMUNITY HEALTH	)
OPTIONS,	)
	)
Plaintiff,	)
v.	)
	)
THE UNITED STATES,	)
	)
Defendant.	)

### **ORDER**

On August 9, 2016, plaintiff filed a complaint alleging the right to money damages pursuant to provisions of the Patient Protection and Affordable Care Act. *See* Doc. 1. On October 31, 2016, the government filed a motion to stay this litigation pending the disposition of several similar, active cases. *See* Doc. 8. While acknowledging that none of the decisions in those separate matters would be binding on this court, the government argues that a stay would conserve resources of both the parties and the court. *See id.* at 3. Since the time of the government's initial request for the stay, one of the potentially relevant cases has been decided on dispositive motion in the government's favor, and plaintiff has filed a notice of appeal. *See Land of Lincoln Mut. Health Ins. Co. v. United States*, Case No. 1:16-cv-744. Also pending before the court is plaintiff's motion for summary judgment. *See* Doc. 9.

Plaintiff opposes the government's motion to stay, arguing that the government's request does not meet the standard imposed by the Federal Circuit for justifying indefinite stays. *See* Doc. 10. In *Cherokee Nation of Oklahoma v. United States*, 124 F.3d 1413, 1416 (Fed. Cir. 1997), the Federal Circuit outlined its approach to determining whether an indefinite stay is appropriate. It explained that "a trial court must first identify a pressing need for the stay," and that "[t]he court

must then balance the interests favoring a stay against interests frustrated by the action.” *Id.* The court further noted that “[o]verarching this balancing is the court’s paramount obligation to exercise jurisdiction timely in cases properly before it.” *Id.* In its reply, the government asserts that it does not seek an indefinite stay, but rather a “time-limited, carefully-monitored stay pending disposition of identical cases.” Doc. 11 at 1.

This court has “broad discretion to stay proceedings as an incident to its power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706 (1997). *See also Cherokee Nation*, 124 F.3d at 1416 (“When and how to stay proceedings” are questions that lie “within the sound discretion of the trial court.”). Here, the government bears the burden of establishing the need for a stay. *See Landis v. N. Am. Co.*, 299 U.S. 248, 255 (1936). The court finds the government’s argument unpersuasive.

The existence of separate, active cases that will at some point in the future have outcomes that are potentially relevant for the issues raised by plaintiff in this case simply does not militate in favor of a stay. Such simultaneous litigation is common not only within circuits around the country, but also on the various dockets at this court.

The government’s assertion that it is overburdened is similarly unconvincing. In its most recent filing, the government represented that there are thirteen cases raising the same or similar issues that are currently pending. *See* Doc. 15 at 2. Thirteen does not strike this court as an overwhelming number of cases. Moreover, if those cases are indeed as related as the government suggests, the same arguments and legal authority should be applicable to each.

As such, regardless of whether the government’s request is properly characterized as “indefinite,” it has failed to carry its burden to convince the court that good cause exists for a stay. The motion requesting a stay is, therefore, **DENIED.**

In the alternative, the government requests an extension of the time in which it is required to respond to the complaint and to the plaintiff’s motion for summary judgment. *See* Doc. 8 at 4. Plaintiff opposes any such extension, noting that it has previously agreed to an extension of time for the government’s response to the complaint. *See* Doc. 10 at 14. The court appreciates plaintiff’s spirit of cooperation, and acknowledges its emphasis that a speedy resolution of this matter is of existential importance. That said, the court deems an extension appropriate. The government

shall **respond** to plaintiff's motion for summary judgment on or before Friday, **January 13, 2017**.

**SO ORDERED.**

s/James F. Merow  
James F. Merow  
Senior Judge