

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

COMMUNITY HEALTH CHOICE, INC.,
Plaintiff-Appellee

v.

UNITED STATES,
Defendant-Appellant

2019-1633

Appeal from the United States Court of Federal Claims
in No. 1:18-cv-00005-MMS, Chief Judge Margaret M.
Sweeney.

MAINE COMMUNITY HEALTH OPTIONS,
Plaintiff-Appellee

v.

UNITED STATES,
Defendant-Appellant

2019-2102

Appeal from the United States Court of Federal Claims
in No. 1:17-cv-02057-MMS, Chief Judge Margaret M.
Sweeney.

SUA SPONTE

Before DYK, BRYSON, and TARANTO, *Circuit Judges*.

PER CURIAM.

O R D E R

These cases having been submitted after oral argument on January 9, 2020,

IT IS ORDERED THAT:

1. The parties shall file supplemental briefs addressing in more detail the question of whether, assuming liability under the appellees' statutory and/or implied-in-fact contract theories, a reduction in damages is available to the appellant if the appellees' loss was diminished as a result of increases in premiums and tax credits.
2. The appellant's supplemental brief must be filed within 30 days of this order. The appellees shall file a single supplemental brief within 60 days of this order. The appellant shall file a reply brief within 75 days of this order.
3. The appellant's supplemental brief may not exceed 30 pages double-spaced. The appellees' supplemental brief may not exceed 30 pages double-spaced. The appellant's reply brief may not exceed 15 pages double-spaced.

FOR THE COURT

January 10, 2020

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court