

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOE FLORES, an individual, and
CONSUELO FLORES, as court-appointed
conservator and guardian of JOE FLORES,
as individuals and on behalf of all others
similarly situated,

Plaintiffs,

vs.

Case No. 11-12119

UNITED STATES OF AMERICA,
UNITED STATES DEPARTMENT OF
DEFENSE, TRICARE MANAGEMENT
ACTIVITY, and ROBERT M. GATES,

HON. AVERN COHN

Defendants.

ORDER STAYING PROCEEDINGS

This is a case challenging a decision by TRICARE Management Activity (TRICARE), a managed health care program for members of the uniformed services, retirees, and their dependents. Plaintiffs Joe Flores (Flores) and Consuelo Flores, Flores's daughter, say that TRICARE has unlawfully stopped providing coverage to Flores on the grounds that the care provided is "custodial" and not "skilled nursing care." Plaintiffs seek relief under the Administrative Procedures Act (APA), 5 U.S.C. § 702, as being aggrieved by an agency action. The parties are endeavoring to resolve the case in the form of an order of remand to TRICARE.

The Court held a telephone conference on December 20, 2011. This order memorializes the matters discussed at the conference.

Proceedings in the case are STAYED for sixty (60) days. In the interim, the

parties shall meet and confer on an appropriate remand order. If the parties are unable to agree on a remand order in thirty (30) days, then the matter will be referred to Magistrate Judge Majzoub to meet with the parties within the next thirty (30) days to see if an appropriate remand order can be entered.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: December 21, 2011

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, December 21, 2011, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160