

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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LAND OF LINCOLN MUTUAL HEALTH))	
INSURANCE COMPANY,))	
))	
Plaintiff,))	Case No. 16-744C
))	
v.))	Judge Charles F. Lettow
))	
THE UNITED STATES OF AMERICA,))	
))	
Defendant.))	
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PLAINTIFF’S RESPONSE TO MOTION FOR LEAVE TO FILE AMICUS CURIAE

Plaintiff Land of Lincoln Mutual Health Insurance Company (Lincoln) responds to the motion for leave to file amicus curiae filed yesterday by Moda Health Plan, Inc. (Moda) and Health Republic Insurance Company (Health Republic). Lincoln consents to the amicus filing and respectfully suggests that the filing provides additional information, analysis, and citation to legal precedent helpful to the Court in reaching a just, speedy, and inexpensive determination of this action as specified in Rule 1 of the Rules of the Court of Federal Claims (RCFC).

As Moda and Health Republic correctly state, this Court has broad discretion to accept their filing and exercising that discretion to permit the filing is warranted here. Both of them have a strong interest in the issues raised by this case because they are similarly situated to Lincoln. The information provided is relevant and useful to the pending briefing, and is timely for the briefing schedule set by the Court. This Court will likely be the first to decide key issues relating to the unpaid Risk Corridors Payments (RCPs), and the amicus materials will help inform the Court’s decision.

THEREFORE, Lincoln respectfully suggests that the Amici's motion for leave to file their brief should be granted.

Dated: October 6, 2016

Respectfully submitted,

s/ Daniel P. Albers

Daniel P. Albers
BARNES & THORNBURG LLP
One N. Wacker Drive, Suite 4400
Chicago, IL 60606
Telephone: (312)357-1313
Fax: (312) 759-5646
Email: dalbers@btlaw.com

Of Counsel:

Scott E. Pickens
BARNES & THORNBURG LLP
1717 Pennsylvania Avenue N.W.
Suite 500
Washington, DC 20006
Telephone: (202) 371-6349
Fax: (202) 289-1330
Email: scott.pickens@btlaw.com

*Counsel for Plaintiff Land of Lincoln
Mutual Insurance Company*

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 6th day of October 2016, a copy of the foregoing was filed electronically. As I understand, pursuant to RCFC Appendix E, V.12.(c), the Court's Notice of Electronic Filing satisfies the service requirement of RCFC 5 and the proof of service requirement of RCFC 5.3 via operation of the Court's electronic filing system.

s/ Daniel P. Albers

Daniel P. Albers