

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

Civil Action No. 5:17-CV-25-FL

PHIL BERGER, et al.,	)	
	)	
Plaintiffs,	)	
v.	)	<b>JOINT MOTION OF PLAINTIFFS AND</b>
	)	<b>FEDERAL DEFENDANTS TO STAY</b>
NORRIS COCHRAN, et al.,	)	<b>LITIGATION</b>
	)	
Defendants.	)	

Plaintiffs and Federal Defendants hereby move the Court to stay this litigation for a period of 60 days to allow time for incoming officials in the new administration to evaluate the issues in this case. While the stay would allow the temporary restraining order to expire as scheduled on January 28, Federal Defendants have agreed that, should State Defendants follow through on their previously announced intention to submit the proposed State Plan Amendments (or any similar proposal seeking to expand Medicaid eligibility) notwithstanding what Plaintiffs contend are violations of N.C. Session Law 2013-5 and federal law, the Federal Defendants will take no action on any such proposal for a period of 89 days other than to review the proposal and request any additional information from the State Defendants that the Federal Defendants determine is necessary for them to complete their review of the proposal. Federal Defendants expressly represent that in no event will the proposal be approved by any federal government agency or official before 89 days have elapsed from the receipt of any submission.

At the end of the 60-day stay of litigation, the parties will file a joint notice (a) alerting the Court whether a live dispute remains in this case, and (b) if there is a live dispute, proposing a new due date for the briefs Defendants otherwise would have been required to file today so that

the Court will be in a position to rule on Plaintiffs' motion for a preliminary injunction before Federal Defendants act on any proposed expansion plan.

Plaintiffs' counsel has spoken with counsel for the State Defendants regarding the relief sought in this motion. The Plaintiffs and the Federal Defendants are not aware of the State Defendants' position with regard to the relief sought.

Dated: January 25, 2017

Respectfully submitted,

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*\*Notice of appearance forthcoming*

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## CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of January, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which shall send notification of such filing to the following:

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Civil Action No. 5:17-CV-25-FL

PHIL BERGER, et al.,	)	
	)	
Plaintiffs,	)	
v.	)	<b>[[PROPOSED]] ORDER GRANTING</b>
	)	<b>JOINT MOTION OF PLAINTIFFS AND</b>
NORRIS COCHRAN, et al.,	)	<b>FEDERAL DEFENDANTS TO STAY</b>
	)	<b>LITIGATION</b>
Defendants.	)	

Pending before the Court is Plaintiffs’ and Federal Defendants’ motion for a stay of litigation. **IT IS ORDERED** that the Motion is **GRANTED**. The Court hereby orders that all proceedings in this case are stayed for a period of sixty days. At the end of the 60-day stay, the parties shall file a joint notice (a) alerting the Court whether a live dispute remains in this case, and (b) if there is a live dispute, proposing a new due date for the briefs Defendants otherwise would have been required to file on January 25, 2017 so that the Court will be in a position to rule on Plaintiffs’ motion for a preliminary injunction before Federal Defendants act on any proposed expansion plan.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Louise Wood Flanagan  
United States District Judge