

In the United States Court of Federal Claims

No. 19-59C

(E-Filed: June 9, 2020)

_____)
L. KEVIN ARNOLD, <u>et al.</u> ,)
)
Plaintiffs,)
)
v.)
)
THE UNITED STATES,)
)
Defendant.)
_____)

ORDER

On April 30, 2020, defendant filed a motion for leave to file supplemental authority, attaching a recent decision issued by the Supreme Court of the United States. See ECF No. 46. In its motion, defendant argues that the case, Maine Community Health Options v. United States, 140 S.Ct. 1308 (Apr. 27, 2020), “is directly related to the issues in this case, and should be considered by the Court when rendering its analysis.” ECF No. 46 at 1. Specifically, defendant explains that “Maine Community discusses the interplay between insufficient appropriations and the Anti-Deficiency Act.” Id. Plaintiffs agree that the case is relevant, but take an opposing view of its affect on this case. ECF No. 48 at 1.

Because both parties agree that the authority offered by defendant, Maine Community Health Options v. United States, 140 S.Ct. 1308 (Apr. 27, 2020), is relevant to this case, the court will allow defendant to file the supplemental authority, and plaintiffs will have an opportunity to respond. The court will review the supplemental briefs, and consider the decision in ruling on the pending motion to dismiss.

Accordingly,

- (1) Defendant’s motion for leave to file supplemental authority, ECF No. 46, is **GRANTED**;

- (2) On or before **June 19, 2020**, defendant is directed to **FILE a supplemental brief**, explaining the relevance of the supplemental authority it asks the court to consider; and
- (3) On or before **July 6, 2020**, plaintiffs are directed to **FILE a response** to defendant's supplemental brief.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
PATRICIA E. CAMPBELL-SMITH
Judge