## In the United States Court of Federal Claims

CURTIS M. LOFTIS, JR., Treasurer of the State of South Carolina,

Plaintiff,

Defendant.

v.

THE UNITED STATES OF AMERICA,

No. 16-451C (Filed: January 17, 2020)

## <u>ORDER</u>

This case was stayed pending decisions by the United States Court of Appeals for the Federal Circuit in <u>LaTurner v. United States</u>, Case No. 13-1011C, and <u>Lea v. United States</u>, Case No. 16-43. On August 13, 2019, the Federal Circuit reversed this Court's grant of summary judgment to the plaintiffs in <u>LaTurner</u> and <u>Lea</u>, and remanded with instructions to grant summary judgment in favor of the government. <u>See LaTurner v. United States</u>, 933 F.3d 1354, 1367 (Fed. Cir. 2019). Accordingly, on December 19, 2019, this Court granted summary judgment for the government in both cases and subsequently lifted the stays in the related cases. <u>See ECF No. 43, Lea v. United States</u> (Dec. 19, 2019).

In a joint status report, the parties in this case as well as other related cases notified the Court that the plaintiff in <u>LaTurner</u> is currently seeking the required approval from the Kansas Attorney General to timely seek review of the Federal Circuit's August 13, 2019 decision in the Supreme Court. The parties thus anticipate that the issues in <u>LaTurner</u> will remain live and that the Supreme Court will act on <u>LaTurner</u>'s anticipated petition during its 2021 term.

Therefore, the Court orders the proceedings in this case are to be **STAYED** pending either a decision by the Supreme Court denying the <u>LaTurner</u> petition for certiorari or disposing of the case on the merits, or until the decision of the Federal Circuit becomes final and unappealable. The parties shall file a joint status report within 14 days of the date on which the Supreme Court issues its decision or the Federal Circuit judgment becomes final.

## IT IS SO ORDERED.

<u>s/ Elaine D. Kaplan</u> ELAINE D. KAPLAN Judge