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December 13, 2019

Mr. Peter R. Marksteiner
Clerk, U.S. Court of Appeals for the Federal Circuit
717 Madison Place, NW
Washington, DC 20439

RE: *Sanford Health Plan v. United States*, No. 2019-1290;
Montana Health CO-OP v. United States, No. 2019-1302;
Community Health Choice v. United States, No. 2019-1633;
Maine Community Health Options v. United States, No. 2019-2102

Dear Mr. Marksteiner:

Oral argument in these appeals is set for January 9, 2020. We respectfully call the Court's attention to a case that was decided after the close of briefing. In *American Bankers Association v. United States*, 932 F.3d 1375 (Fed. Cir. 2019), this Court rejected the contention that the Federal Reserve Act manifested an intent to contract on the part of the government. *See id.* at 1380-84. This Court's reasoning bears on the implied-in-fact contract claims alleged in these cases.

Sincerely,

/s/ Alisa B. Klein

Alisa B. Klein
Counsel for Appellant

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2019, I electronically filed the foregoing letter with the Clerk of the Court by using the appellate CM/ECF system. Counsel of record are registered CM/ECF users.

/s/ Alisa B. Klein

ALISA B. KLEIN