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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAMELA WALL, individually  
and on behalf of all those  
similarly situated,

Plaintiff,

CIV-S-05-2553 FCD GGH

vs.

MICHAEL O. LEAVITT,

Defendant.

ORDER

On October 29, 2008, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within ten days. Plaintiff filed objections on November 13, 2008, and they were considered by the district judge.

This court reviews de novo those portions of the proposed findings of fact to which objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As to any portion of the proposed findings of fact to which no objection has been made, the court assumes its correctness and decides the motions on the applicable law. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are

1 reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir.  
2 1983).

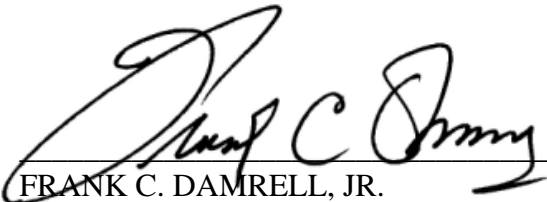
3 The court has reviewed the applicable legal standards and, good cause appearing,  
4 concludes that it is appropriate to adopt the Findings and Recommendations in full.

5 Accordingly, IT IS ORDERED that:

6 1. The Findings and Recommendations filed October 29, 2008, are ADOPTED;  
7 and

8 2. Defendant's motion for partial summary judgment, filed August 1, 2008,  
9 (docket # 165), is granted as to the Third Cause of Action, and the First Cause of Action insofar  
10 as it alleges the non-existence of informal procedures for challenging and rectifying a tentative  
11 requirement to repay Medicare for conditional payments made prior to payment by a primary  
12 payer. (This order resolves the entire docket # 165).

13 DATED: January 8, 2009.

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16 FRANK C. DAMRELL, JR.  
17 UNITED STATES DISTRICT JUDGE  
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