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

JEANETTE LUCILLE FLOWERS
a.k.a. EVANGELIST KIMMONS

Plaintiff,

No. 2:11-cv-00185 KJN

vs.

COUNTY OF SACRAMENTO;
et al.,

Defendants.

ORDER

Plaintiff Jeannette Lucille Flowers a.k.a. Evangelist Kimmons (the “plaintiff”) is proceeding without counsel and in forma pauperis.¹ The parties previously participated in an early settlement conference before the undersigned, and during the conference the parties agreed to settle this matter.

Defendants have previously requested, and were granted, additional time to file dispositional documents, due to a delay in determining whether a lien is being asserted on the proceeds from the settlement. (Request, Dkt. No. 37.)

Defendants have now renewed that same request and seek an additional 60 days in which to file dispositional documents. (Request, Dkt. No. 41.) Defendants explain that:

¹ This case proceeds before the undersigned as a result of the parties’ consent to the jurisdiction of the magistrate judge. (Order, May 22, 2012, Dkt. No. 26.)

1 In the interest of complying with the parties' Medicare
2 Secondary Payer obligations pursuant to 42 U.S.C. § 1395 et
3 seq., plaintiff was given forms by defendants' representatives at
4 the Early Settlement Conference authorizing defendants'
5 Medicare Compliance Specialists, Gould & Lamb, LLC, to
6 contact Medicare in order to determine the existence of a lien.

7 Gould & Lamb submitted the necessary documentation to the
8 Medicare Secondary Payment Recovery Contractor ("MSPRC")
9 in September 2012 in order to determine whether a lien is being
10 asserted on the settlement proceeds. Defense Counsel and
11 George Hills Company, COUNTY OF SACRAMENTO's Third
12 Party Claims Administrator, have followed up with Gould &
13 Lamb several times in the past few weeks to determine the
14 status of a Medicare lien. Unfortunately, MSPRC has not yet
15 responded to Gould & Lamb's request for lien information.
16 Defense counsel has been informed that MSPRC typically takes
17 65 days to respond to requests for lien information, and
18 anticipates that a lien amount will be determined at any time.

19 Plaintiff indicated that she would contact Medicare and request
20 a final lien letter, but to defense counsel's knowledge, plaintiff
21 has not received anything from MSPRC.

22 Defendants submit that the delay in receiving lien information
23 from MSPRC is a widespread problem, as indicated by the
24 passing of the Smart Act (HR 1845) in the U.S. House of
25 Representatives this past week. The Smart Act is designed to
26 improve the efficiency of the Medicare Secondary Payer system
by requiring the Center for Medicare and Medicaid Services to
streamline its process, reducing costly delays in settling claims.

(Request, Dkt. No. 41 at 2-3.) Accordingly, IT IS HEREBY ORDERED that:

Pursuant to defendants' request (Dkt. No. 41), and finding good cause therefore,
the undersigned hereby gives the parties an additional 60 days from the date of this order to
submit dispositional documents.

IT IS SO ORDERED.

DATED: January 3, 2013


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE