

1 BENJAMIN B. WAGNER  
 United States Attorney  
 2 EDWARD A. OLSEN (CSBN 214150)  
 Assistant United States Attorney  
 3 501 I Street, Suite 10-100  
 Sacramento, CA 95814  
 4 Telephone: (916) 554-2821  
 Facsimile: (916) 554-2900  
 5 edward.olsen@usdoj.gov

6 Attorneys for Defendants

7

8

IN THE UNITED STATES DISTRICT COURT

9

FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 PRIME HEALTHCARE SERVICES –  
 SHASTA, LLC, a Delaware limited liability  
 12 company doing business as Shasta Regional  
 Medical Center,

13 Plaintiff,

14

v.

15

16 SYLVIA MATHEWS BURWELL, in her  
 official capacity as Secretary of the Department  
 of Health and Human Services,

17 Defendant.

18

19

20

Plaintiff Prime Healthcare Services – Shasta, LLC, and Defendant Sylvia Burwell, Secretary  
 21 of the Department of Health and Human Services, by and through their attorneys, hereby stipulate,  
 22 subject to approval of the Court, to extend the deadline for filing a responsive pleading to Plaintiff’s  
 23 Complaint from April 10, 2015, to June 5, 2015, in light of the following:

24

Plaintiff has filed a total of 8 cases challenging determinations by the Medicare Appeals  
 25 Council that Plaintiff lacked standing to appeal the denial of its claims for payment for emergency  
 26 medical services provided to 29 Medicare beneficiaries between November 2008 and February 2009.

27

28 //

CASE NO. 2:15-CV-00154-TLN-DAD

**SECOND STIPULATION AND  
 ORDER TO EXTEND THE  
 DEADLINE TO FILE A  
 RESPONSIVE PLEADING**

[L.R. 144(a)]

1 These cases are as follows:

2 (1) In *Prime Healthcare Services – Shasta, LLC v. Burwell*, 2:14-cv-02791-TLN-KJN,  
3 plaintiff challenges a determination by the Medicare Appeals Council, dated September 30, 2014,  
4 that it lacked standing to appeal the denial of its claims for payment for emergency medical services  
5 provided to 29 Medicare beneficiaries between November 2008 and February 2009. The deadline  
6 for Defendant’s responsive pleading was March 13, 2013, but the parties filed a stipulation to extend  
7 that deadline to April 10, 2013.

8 (2) In *Prime Healthcare Services – Shasta, LLC v. Burwell*, 2:15-cv-00154-TLN-DAD,  
9 plaintiff challenges a determination by the Medicare Appeals Council, dated November 21, 2014,  
10 that it lacked standing to appeal the denial of its claims for payment for emergency medical services  
11 provided to 17 Medicare beneficiaries between November 2008 and February 2009. The deadline  
12 for Defendant’s responsive pleading was March 30, 2013, but the parties filed a stipulation to extend  
13 that deadline to April 10, 2013.

14 (3) In *Prime Healthcare Services – Shasta, LLC v. Burwell*, 2:15-cv-00324-JAM-CMK,  
15 plaintiff challenges a determination by the Medicare Appeals Council, dated December 10, 2014,  
16 that it lacked standing to appeal the denial of its claims for payment for emergency medical services  
17 provided to 6 Medicare beneficiaries between November 2008 and February 2009. The deadline for  
18 Defendant’s responsive pleading is May 4, 2015.

19 (4) In *Prime Healthcare Services – Shasta, LLC v. Burwell*, 2:15-cv-00400-TLN-CMK,  
20 plaintiff challenges a determination by the Medicare Appeals Council, dated December 23, 2014,  
21 that it lacked standing to appeal the denial of its claims for payment for emergency medical services  
22 provided to 10 Medicare beneficiaries between November 2008 and February 2009. The deadline  
23 for Defendant’s responsive pleading is May 4, 2015.

24 (5) In *Prime Healthcare Services – Shasta, LLC v. Burwell*, 2:15-cv-00450-KJM-CKD,  
25 plaintiff challenges a determination by the Medicare Appeals Council, dated December 29, 2014,  
26 that it lacked standing to appeal the denial of its claims for payment for emergency medical services  
27 provided to 18 Medicare beneficiaries between November 2008 and February 2009. The deadline  
28 for Defendant’s responsive pleading is May 29, 2015.

1 (6) In *Prime Healthcare Services – Shasta, LLC v. Burwell*, 2:15-cv-00473-MCE--CMK,  
2 plaintiff challenges a determination by the Medicare Appeals Council, dated January 2, 2015, that it  
3 lacked standing to appeal the denial of its claims for payment for emergency medical services  
4 provided to 19 Medicare beneficiaries between November 2008 and February 2009. The deadline  
5 for Defendant’s responsive pleading is May 29, 2015.

6 (7) In *Prime Healthcare Services – Shasta, LLC v. Burwell*, 2:15-cv-00474-MCE--CMK,  
7 plaintiff challenges a determination by the Medicare Appeals Council, dated January 2, 2015, that it  
8 lacked standing to appeal the denial of its claims for payment for emergency medical services  
9 provided to 7 Medicare beneficiaries between November 2008 and February 2009. The deadline for  
10 Defendant’s responsive pleading is May 29, 2015.

11 (8) In *Prime Healthcare Services – Shasta, LLC v. Burwell*, 2:15-cv-00709-TLN-KJN,  
12 plaintiff challenges a determination by the Medicare Appeals Council, dated December 29, 2015,  
13 that it lacked standing to appeal the denial of its claims for payment for emergency medical services  
14 provided to 25 Medicare beneficiaries between November 2008 and February 2009. The deadline  
15 for Defendant’s responsive pleading is June 2, 2015.

16 The 8 cases are related because they involve the same parties and present the same legal issue  
17 – whether Medicare Appeals Council correctly determined that plaintiff lacked standing to appeal  
18 the denial of its claims for payment for emergency medical services provided to various beneficiaries  
19 between November 2008 and February 2009. The parties believe that, in the interest of economy  
20 and efficiency, it makes sense to have a single responsive pleading deadline for all eight cases and,  
21 accordingly, respectfully ask the Court to extend the deadline for the Defendant’s responsive  
22 pleading to June 5, 2015.

23  
24 Dated: April 7, 2015

Respectfully submitted,

BENJAMIN B. WAGNER  
United States Attorney

*/s/ Edward A. Olsen*  
EDWARD A. OLSEN  
Assistant United States Attorney  
Attorneys for Defendants

25  
26  
27  
28 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

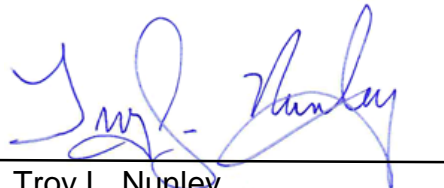
Dated: April 7, 2015

*/s/ Yekaterina Dekadokh*  
YEKATERINA DEKADOKH  
Attorney for Prime Healthcare Services – Shasta  
LLC

**ORDER**

Pursuant to stipulation and good cause having been shown, IT IS SO ORDERED.

Dated: April 13, 2015



Troy L. Nunley  
United States District Judge