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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PRIME HEALTHCARE SERVICES —  
SHASTA, LLC,

Plaintiff,

v.

SYLVIA MATHEWS BURWELL,

Defendant.

No. 2:14-cv-2791-TLN-KJN

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PRIME HEALTHCARE SERVICES —  
SHASTA, LLC,

Plaintiff,

v.

SYLVIA MATHEWS BURWELL,

Defendant.

No. 2:15-cv-0154-TLN-KJN

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PRIME HEALTHCARE SERVICES —  
SHASTA, LLC,

Plaintiff,

v.

SYLVIA MATHEWS BURWELL,

Defendant.

No. 2:15-cv-0324-TLN-KJN

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PRIME HEALTHCARE SERVICES —  
SHASTA, LLC,

Plaintiff,

v.

SYLVIA MATHEWS BURWELL,

Defendant.

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No. 2:15-cv-0400-TLN-KJN

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PRIME HEALTHCARE SERVICES —  
SHASTA, LLC,

Plaintiff,

v.

SYLVIA MATHEWS BURWELL,

Defendant.

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No. 2:15-cv-0450-TLN-KJN

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PRIME HEALTHCARE SERVICES —  
SHASTA, LLC,

Plaintiff,

v.

SYLVIA MATHEWS BURWELL,

Defendant.

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No. 2:15-cv-0473-TLN-KJN

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PRIME HEALTHCARE SERVICES —  
SHASTA, LLC,

Plaintiff,

v.

SYLVIA MATHEWS BURWELL,

Defendant.

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No. 2:15-cv-0474-TLN-KJN

1 PRIME HEALTHCARE SERVICES —  
2 SHASTA, LLC,

No. 2:15-cv-0709-TLN-KJN

3 Plaintiff,

4 v.

5 SYLVIA MATHEWS BURWELL,

6 Defendant.

7 PRIME HEALTHCARE SERVICES —  
8 SHASTA, LLC,

No. 2:15-cv-1120-TLN-KJN

9 Plaintiff,

10 v.

11 SYLVIA MATHEWS BURWELL,

12 Defendant.

ORDER

13  
14 Plaintiff Prime Healthcare, LLC (“plaintiff”) filed these actions against Sylvia Mathew  
15 Burwell, in her official capacity as Secretary of the Department of Health and Human Services  
16 (“defendant” or “Secretary”). In these actions, plaintiff seeks judicial review of decisions by the  
17 Secretary, acting through the Medicare Appeals Council (“MAC”), to dismiss plaintiff’s requests  
18 for review of unfavorable decisions concerning its claims for reimbursement for emergency  
19 medical services it allegedly provided to Medicare beneficiaries prior to the time it had a  
20 Medicare provider’s agreement in place.

21 On May 9, 2017, the undersigned filed findings and recommendations (2:14-cv-2791-  
22 TLN-KJN, ECF No. 52), which were served on the parties and which contained notice that any  
23 objections to the findings and recommendations were to be filed within fourteen (14) days. On  
24 May 23, 2017, plaintiff and defendant each filed objections to the findings and recommendations  
25 (Id., ECF Nos. 53, 54). In light of the objections, the court deems it appropriate to grant the  
26 plaintiff leave to amend. At this time, the court vacates the findings and recommendations and  
27 takes no position on the merits of any potential amendment.<sup>1</sup> Defendants may file responsive

28 <sup>1</sup> However, to the extent that plaintiff intends to challenge the Secretary’s policies and/or

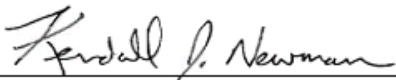
1 motions as appropriate.

2 Therefore, IT IS HEREBY ORDERED that:

- 3 1. The May 9, 2017 findings and recommendations filed in each of these actions are
- 4 vacated.
- 5 2. Defendant's motion to dismiss filed in each of these actions is GRANTED.
- 6 3. These actions are DISMISSED, but plaintiff is granted 30 days leave to amend.

7 IT IS SO ORDERED.

8 Dated: July 17, 2017

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10 KENDALL J. NEWMAN  
11 UNITED STATES MAGISTRATE JUDGE

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regulations, plaintiff might consider amending a complaint in one action (and voluntarily dismissing the others) or bringing a motion to consolidate all of the pending actions.