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Attorneys for Defendants

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

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

Plaintiff,

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

Defendant.

CASE NO. 2:15-CV-00324-JAM-CKD

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

[L.R. 144(a)]

Plaintiff Prime Healthcare Services – Shasta, LLC, and Defendant Sylvia Burwell, Secretary of the Department of Health and Human Services, by and through their attorneys, hereby stipulate, subject to approval of the Court, to extend the deadline for filing a responsive pleading to Plaintiff's Complaint from May 4, 2015, to June 5, 2015, in light of the following:

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

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STIPULATION TO EXTEND DEADLINE FOR

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.

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

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

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

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

Respectfully submitted,

Dated: April 7, 2015

BENJAMIN B. WAGNER
United States Attorney

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

1 Dated: April 7, 2015

2 /s/ Yekaterina Dekadokh
3 YEKATERINA DEKADOKH
4 Attorney for Prime Healthcare Services – Shasta
5 LLC

6 **ORDER**

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

8 Dated: 4/10/2015

9 /s/ John A. Mendez

10 JOHN A. MENDEZ
11 UNITED STATES DISTRICT COURT JUDGE