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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

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

Plaintiff

VS.

Sylvia Mathews Burwell in her official capacity as Secretary of the Department of Health and Human Services,

Defendant.

Case No. 2:15-cv-00450-TLN-KJN

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

[L.R. 144(A)]

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6 Attorneys for Defendants

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1 Plaintiff Prime Healthcare Services – Shasta, LLC (“Plaintiff”), and
2 Defendant Sylvia Burwell, Secretary of the Department of Health and Human
3 Services, (“Defendant”) by and through their attorneys, hereby stipulate, subject to
4 approval of the Court, to the following:

5 Plaintiff has filed a total of 9 cases challenging determinations by the
6 Medicare Appeals Council that Plaintiff lacked standing to appeal the denial of its
7 claims for payment for emergency medical services provided to Medicare
8 beneficiaries between November 2008 and February 2009.

9 These cases are as follows:

10 (1) In *Prime Healthcare Services - Shasta, LLC v. Burwell*, 2:14-cv-
11 02791-TLN-KJN, Plaintiff challenges a determination by the Medicare Appeals
12 Council, dated September 30, 2014, that it lacked standing to appeal the denial of
13 its claims for payment for emergency medical services provided to 29 Medicare
14 beneficiaries between November 2008 and February 2009. The deadline for
15 Defendant's responsive pleading was March 13, 2015, but the parties filed a
16 stipulation to extend that deadline to April 10, 2015. Parties filed a further
17 stipulation to extend the deadline to June 5, 2015.

18 (2) In *Prime Healthcare Services - Shasta, LLC v. Burwell*, 2:15-cv-
19 00154-TLN-KJN, Plaintiff challenges a determination by the Medicare Appeals
20 Council, dated November 21, 2014, that it lacked standing to appeal the denial of
21 its claims for payment for emergency medical services provided to 17 Medicare
22 beneficiaries between November 2008 and February 2009. The deadline for
23 Defendant's responsive pleading was March 30, 2015, but the parties filed a
24 stipulation to extend that deadline to April 10, 2015. Parties filed a further
25 stipulation to extend the deadline to June 5, 2015.

26 (3) In *Prime Healthcare Services - Shasta, LLC v. Burwell*, 2:15-cv-
27 00324-TLN-KJN, Plaintiff challenges a determination by the Medicare Appeals
28 Council, dated December 10, 2014, that it lacked standing to appeal the denial of

1 its claims for payment for emergency medical services provided to 6 Medicare
2 beneficiaries between November 2008 and February 2009. The deadline for
3 Defendant's responsive pleading was May 4, 2015, but the parties filed a
4 stipulation to extend that deadline to June 5, 2015.

5 (4) In *Prime Healthcare Services - Shasta, LLC v. Burwell*, 2:15-cv-
6 00400-TLN-KJN, Plaintiff challenges a determination by the Medicare Appeals
7 Council, dated December 23, 2014, that it lacked standing to appeal the denial of
8 its claims for payment for emergency medical services provided to 10 Medicare
9 beneficiaries between November 2008 and February 2009. The deadline for
10 Defendant's responsive pleading was May 4, 2015, but the parties filed a
11 stipulation to extend that deadline to June 5, 2015.

12 (5) In *Prime Healthcare Services - Shasta, LLC v. Burwell*, 2:15-cv-
13 00450-TLN-KJN, Plaintiff challenges a determination by the Medicare Appeals
14 Council, dated December 29, 2014, that it lacked standing to appeal the denial of
15 its claims for payment for emergency medical services provided to 18 Medicare
16 beneficiaries between November 2008 and February 2009. The deadline for
17 Defendant's responsive pleading was May 29, 2015, but the parties filed a
18 stipulation to extend that deadline to June 5, 2015.

19 (6) In *Prime Healthcare Services - Shasta, LLC v. Burwell*, 2:15-cv-
20 00473-TLN-KJN, Plaintiff challenges a determination by the Medicare Appeals
21 Council, dated January 2, 2015, that it lacked standing to appeal the denial of its
22 claims for payment for emergency medical services provided to 19 Medicare
23 beneficiaries between November 2008 and February 2009. The deadline for
24 Defendant's responsive pleading was May 29, 2015, but the parties filed a
25 stipulation to extend that deadline to June 5, 2015.

26 (7) In *Prime Healthcare Services - Shasta, LLC v. Burwell*, 2:15-cv-
27 00474-TLN-KJN, Plaintiff challenges a determination by the Medicare Appeals
28 Council, dated January 2, 2015, that it lacked standing to appeal the denial of its

1 claims for payment for emergency medical services provided to 7 Medicare
2 beneficiaries between November 2008 and February 2009. The deadline for
3 Defendant's responsive pleading was May 29, 2015, but the parties filed a
4 stipulation to extend that deadline to June 5, 2015.

5 (8) In *Prime Healthcare Services - Shasta, LLC v. Burwell*, 2:15-cv-
6 00709-TLN-KJN, Plaintiff challenges a determination by the Medicare Appeals
7 Council, dated January 2, 2015, that it lacked standing to appeal the denial of its
8 claims for payment for emergency medical services provided to 25 Medicare
9 beneficiaries between November 2008 and February 2009. The deadline for
10 Defendant's responsive pleading was June 2, 2015, but the parties filed a
11 stipulation to extend that deadline to June 5, 2015.

12 (9) In *Prime Healthcare Services - Shasta, LLC v. Burwell*, 2:15-cv-
13 01120-GEB-CMK, Plaintiff challenges a determination by the Medicare Appeals
14 Council, dated March 25, 2015, that it lacked standing to appeal the denial of its
15 claims for payment for emergency medical services provided to 2 Medicare
16 beneficiaries between November 2008 and February 2009.

17 In each of the nine cases, Plaintiff has recently retained the law firm of
18 Michelman & Robinson LLP, and intends to amend the complaints in each of the
19 nine cases pursuant to Federal Rule of Civil Procedure 15.

20 Accordingly, the parties agree, subject to approval of the Court, that
21 Defendant will not be required to file a Responsive Pleading to the Complaints in
22 each of the 9 cases and further agree to the following schedule:

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1 **Deadline for filing an Amended Complaint in each case: July 2, 2015**

2 **Deadline for filing a Responsive Pleading in each case: September 4, 2015**

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4 Dated: May 29, 2015

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6 By:/s/ Ketakee R. Kane

7 Andrew H. Selesnick
8 Damaris L. Medina
9 Ketakee R. Kane
Troy A. Schell, Esq.
Bryan Wong, Esq.

10 Attorneys for Plaintiff Prime Healthcare
11 Services – Shasta, LLC

12 By: /s/ Edward A. Olsen (as authorized on
13 May 29, 2015).

14 Edward A. Olsen
Benjamin B. Wagner

15 Attorneys for Defendant Sylvia Mathews
16 Burwell

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ORDER

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

Dated: June 2, 2015


Troy L. Nunley

Troy L. Nunley
United States District Judge