

1 Andrew H. Selesnick (SBN 160516)  
 Damaris L. Medina (SBN 262788)  
 2 Ketakee R. Kane (SBN 291828)  
**MICHELMAN & ROBINSON, LLP**  
 3 15760 Ventura Boulevard, 5th Floor  
 Encino, California 91436  
 4 Telephone: (818) 783-5530  
 Facsimile: (818) 783-5507

5 Troy A. Schell, Esq. (SBN 208661)  
 6 Bryan Wong, Esq. (SBN 205573)  
**PRIME HEALTHCARE SERVICES, INC.**  
 7 3300 East Guasti Road, 3<sup>rd</sup> Floor  
 Ontario, California 91761  
 8 Telephone: (909) 235-4400  
 Facsimile: (909) 235-4419

9 Attorneys for Plaintiff

10 Additional Counsel Listed On Next Page

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

14 **PRIME HEALTHCARE SERVICES )**  
 15 **- SHASTA, LLC, a Delaware limited )**  
 16 **liability company doing business as )**  
**Shasta Regional Medical Center;**

17 **Plaintiff**

18 vs.

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

21 **Defendant.**

Case No. 2:15-cv-00474- TLN-KJN

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

[L.R. 144(A)]

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

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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**

3  
4 Dated: June 1, 2015

5  
6 By: /s/ Ketakee R. Kane

7 Andrew H. Selesnick

8 Damaris L. Medina

9 Ketakee R. Kane

10 Troy A. Schell, Esq.

11 Bryan Wong, Esq.

12 Attorneys for Plaintiff Prime Healthcare  
13 Services – Shasta, LLC

14  
15 By: /s/ Edward A. Olsen (as authorized on  
16 May 29, 2015).

17 Edward A. Olsen

18 Benjamin B. Wagner

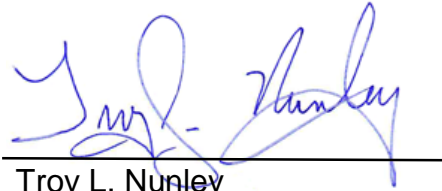
19 Attorneys for Defendant Sylvia Mathews  
20 Burwell

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**ORDER**

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

Dated: June 2, 2015



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Troy L. Nunley  
United States District Judge