UNITED STA	TES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA	
PRIME HEALTHCARE SERVICES —	No. 2:14-cv-2791-TLN-KJN
SHASTA, LLC,	
Plaintiff,	
V.	
SYLVIA MATHEWS BURWELL,	
Defendant.	
PRIME HEALTHCARE SERVICES —	No. 2:15-cv-0154-TLN-KJN
SHASTA, LLC,	
Plaintiff,	
SYLVIA MATHEWS BURWELL,	
Defendant.	
PRIME HEALTHCARE SERVICES —	No. 2:15-cv-0324-TLN-KJN
SHASTA, LLC,	
Plaintiff,	
SYLVIA MATHEWS BURWELL,	
Defendant.	
	1

1 2	PRIME HEALTHCARE SERVICES — SHASTA, LLC,	No. 2:15-cv-0400-TLN-KJN
3	Plaintiff,	
4	V.	
5	SYLVIA MATHEWS BURWELL,	
6	Defendant.	
7		
8	PRIME HEALTHCARE SERVICES — SHASTA, LLC,	No. 2:15-cv-0450-TLN-KJN
9	Plaintiff,	
10	V.	
11	SYLVIA MATHEWS BURWELL,	
12	Defendant.	
13	PRIME HEALTHCARE SERVICES —	
14	SHASTA, LLC,	No. 2:15-cv-0473-TLN-KJN
15	Plaintiff,	
16	V.	
17	SYLVIA MATHEWS BURWELL,	
18	Defendant.	
19	PRIME HEALTHCARE SERVICES —	
20	SHASTA, LLC,	No. 2:15-cv-0474-TLN-KJN
21	Plaintiff,	
22	V.	
23	SYLVIA MATHEWS BURWELL,	
24	Defendant.	
25		
26		
27		
28		
		2

1 2	PRIME HEALTHCARE SERVICES — SHASTA, LLC,	No. 2:15-cv-0709-TLN-KJN	
3	Plaintiff,		
4	V.		
5	SYLVIA MATHEWS BURWELL,		
6	Defendant.		
7			
8	PRIME HEALTHCARE SERVICES — SHASTA, LLC,	No. 2:15-cv-1120-TLN-KJN	
9	Plaintiff,		
10	V.	ORDER	
11	SYLVIA MATHEWS BURWELL,		
12	Defendant.		
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 co	urt vacates the findings and recommendations and	
27	takes no position on the merits of any potential amendment. ¹ Defendants may file responsive		
28	¹ However, to the extent that plaintiff intends	s to challenge the Secretary's policies and/or 3	

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		
9	Fordal J. Newman		
10 11	UNITED STATES MAGISTRATE JUDGE		
11			
12			
13			
14			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28	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.		
	4		