

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SHARON WOOD,

Plaintiff,

-v-

5:19-CV-1122

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Defendant.

APPEARANCES:

OF COUNSEL:

SHARON WOOD
Plaintiff, Pro Se
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DAVID N. HURD
United States District Judge

ORDER LIFTING STAY AND SETTING DEADLINES

On March 3, 2020, following approval of a stipulated Remand Order, Dkt. No. 15, the parties to this case returned to the U.S. Department of Health and Human Services (“HHS”) so that plaintiff would have an opportunity to

administratively exhaust her Medicare claims. Paragraph 5 of the Remand Order explained that plaintiff would have the option to “file a notice of appeal with this Court” if she was dissatisfied with the outcome of those proceedings, which involved several layers of administrative review culminating in a final determination by the Medicare Appeals Council (“MAC”). *Id.*

On April 25, 2023, plaintiff attempted to do just that, Dkt. No. 16, but some administrative confusion ensued, Dkt. No. 17, and plaintiff’s appeal wound up in the U.S. Court of Appeals for the Second Circuit instead of back in this Court in accordance with the Remand Order, Dkt. No. 19.

On April 27, 2023, this Court entered an order in which it (a) explained the probable source of the confusion; (b) restored this action to the Court’s active docket; (c) stayed the proceedings in this matter to give the parties an opportunity to get on the same page; and (d) directed defendant to file a status report within thirty days. Dkt. No. 20.

On May 17, 2023, defendant filed a status report that, *inter alia*, notifies the Court that plaintiff has withdrawn her appeal at the Second Circuit and intends to further pursue her Medicare claims in this Court in accordance with Paragraph 5 of the Remand Order. Dkt. No. 23; *Wood v. Sec’y of Health & Human Servs.*, No. 23-701 at Dkt. No. 17.

Upon review of defendant’s status report, and consistent with the Remand Order previously entered in this action, it is

ORDERED that

1. Plaintiff's Notice of Appeal (Dkt. No. 17) is construed as a Notice of Appeal to this Court from the final decision of the Medicare Appeals Council;
2. The Clerk is directed to LIFT the stay entered on April 27, 2023;
3. The Clerk is directed to set the following deadlines:
 - (a) defendant shall file and serve a certified copy of the administrative record on or before August 14, 2023;
 - (b) plaintiff shall file and serve a brief setting forth the grounds on which she believes she is entitled to relief on or before September 28, 2023;
 - (c) defendant shall file and serve a response to plaintiff's brief on or before November 13, 2023;
4. Plaintiff is advised that her brief should contain the items described in Paragraph 6 of the Remand Order; and
5. Upon full briefing, the Court will take the matter under advisement and issue a written decision in due course.

IT IS SO ORDERED.

Dated: May 18, 2023
Utica, New York.


David N. Hurd
U.S. District Judge