

April 28, 2009

Peter Galindez, Jr.
Legal Counsel
Mayo Clinic
200 First Street SW
Rochester, MN 55905

Robin K. Raplinger
Legal Aid Service of Northeastern MN
Olcott Plaza, Suite 150
820 N. 9th Street
Virginia, MN 55792

Re: *In the Matter of the Revenue Recapture Appeal of James Ryan*
OAH Docket No. 3-7700-20262-3

Dear Counsel:

This letter constitutes the First Prehearing Order concerning matters discussed in the prehearing telephone conference held this morning. Mr. Galindez appeared for Gold Cross Ambulance Service (Gold Cross), and Cami Thalacker, Business Manager, also participated in the conference; Mr. Raplinger appeared for James Ryan, who participated in the conference as well. During the conference the parties agreed that they could likely stipulate to the material facts and present their legal arguments on cross motions for summary disposition. Mr. Ryan does not dispute the debt that is owed to Gold Cross, but he does dispute that Gold Cross is a "claimant agency" that is entitled to use the Revenue Recapture Process. He also contends that, even if Gold Cross is properly considered a claimant agency, it failed to follow the appropriate legal requirements in scheduling the hearing in a timely manner.

The following schedule was adopted: By May 12, 2009, the parties will provide the Administrative Law Judge with their stipulation of fact; or, if they are unable to agree, they will notify the ALJ of that development. Assuming they agree on the facts, the parties will submit letter memoranda in support of their motions for summary disposition by May 29, 2009; any reply memoranda will be submitted by June 5, 2009. Electronic service and filing are permissible.

Sincerely,

s/Kathleen D. Sheehy
KATHLEEN D. SHEEHY
Administrative Law Judge
Telephone: (651) 361-7848
kathleen.sheehy@state.mn.us