

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT**

GLENDA JIMMO, ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 5:14-CV-128-CR
	)	
SYLVIA MATTHEWS BURWELL, Secretary of Health and Human Services,	)	
	)	
Defendant.	)	
	)	

**SETTLEMENT AGREEMENT AND STIPULATION OF DISMISSAL**

WHEREAS the parties desire to resolve amicably all the claims raised in this suit on terms mutually acceptable to both Parties, without either party conceding any wrongdoing or admitting the correctness of the opposing party's position;

NOW THEREFORE, the Plaintiff and Defendant hereby consent to the entry of this Settlement Agreement with the following terms.

1. The Secretary stipulates that the final decision of the Department of Health and Human Services Departmental Appeals Board, Medicare Appeals Council, in Docket Number M-14-1755, shall be, and it hereby is, vacated completely, and that final agency decision shall have no remaining force or effect.

2. The Defendant agrees to pay the Medicare claim at issue in full in the amount of \$11,586.55. The Defendant shall effectuate this payment by paying the provider of the services, Addison County Home Health and Hospice.

3. The Defendant will separately pay plaintiff's counsel, the Center for Medicare Advocacy and Vermont Legal Aid, \$4,400.00 in full satisfaction of any and all claims for attorney's fees, costs, and expenses incurred in pursuit of this action. Such payment may be accomplished by electronic funds transfer to the Center for Medicare Advocacy.

4. This stipulation does not constitute a Medicare coverage determination, and all coverage determinations must be made on a case-by-case basis for a particular beneficiary.

5. The parties hereby stipulate to dismissal of this action with prejudice pursuant to Federal Rule of Civil Procedure 41.

The undersigned representatives of the parties certify that they are fully authorized to consent to the entry of the terms and conditions of this Settlement Agreement and Stipulation of Dismissal.

Dated: October 29, 2014

/s/ Gill Deford (by permission)

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Dated: October 29, 2014

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Dated: October 29, 2014

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/s/ Steven Y. Bressler  
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