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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Michael J. Boldon,

No. CV06-02818-PHX-NVW

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Plaintiff,

PRELIMINARY INJUNCTION

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vs.

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Humana Insurance Company; Cutter)
Aviation Group Medical Plan)
Administrator,

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Defendants.

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The court having received Plaintiff's application for a preliminary injunction (Doc. # 2), heard argument and evidence from the parties, and issued its findings of fact and conclusions of law,

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IT IS ORDERED that Plaintiff's application for a preliminary injunction (Doc. # 2) is GRANTED.

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IT IS FURTHER ORDERED that:

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1. Defendant Humana Insurance Company is hereby enjoined, pending final resolution of this lawsuit, from denying or excluding coverage and benefits under the Cutter Aviation Group Medical Plan to Plaintiff Michael J. Boldon for TheraSphere radiation treatment, so long as that treatment is recommended by Plaintiff's treating physician, Kevin S. Hirsch, M.D.

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2. Treatment shall commence as soon after December 22, 2006, as is medically feasible for Plaintiff's health care providers, unless this order is stayed by the Court of Appeals.

3. This order is conditional upon the court concluding at the further hearing ordered in the next paragraph that Plaintiff remains a suitable patient for TheraSphere treatment in light of his most recent diagnostic tests.

IT IS FURTHER ORDERED setting a hearing on December 18, 2006, at 1:00 p.m. for de novo determination by the court of whether Plaintiff remains a suitable patient for TheraSphere treatment in light of his most recent diagnostic tests. Defendant shall advise the court promptly whether it disputes the conclusion of Plaintiff's treating physician in this regard. If there is no dispute, the hearing will be vacated and this Preliminary Injunction will become unconditional.

IT IS FURTHER ORDERED that, for the reasons stated in the findings of fact and conclusions of law, no bond is required.

DATED this 13th day of December 2006.



Neil V. Wake
United States District Judge