

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**CIVIL MINUTES – GENERAL**

Case No. SACV 08-00633-CJC (RNBx)

Date: March 19, 2010

Title: PAUL MESSER ET AL. v. U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ET AL.

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PRESENT:

**HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE**

Terri Steele  
Deputy Clerk

N/A  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:      ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS) ORDER LIFTING STAY AND ORDER TO SHOW CAUSE WHY JUDGMENT SHOULD NOT BE ENTERED IN FAVOR OF DEFENDANTS**

The principle claim in this case is that the Presiding Administrative Law Judge (“ALJ”) for the Center for Medicare Services’ Office of Medicare Hearings and Appeals, Ellen Koldewey, improperly signed ALJ Richard Gould’s order stating that Plaintiff Dr. Dorothy Calabrese had been overpaid for services provided to her patients. The Court previously stayed this case pending Plaintiffs’ exhaustion of their administrative remedies. By order dated March 8, 2010, the Court affirmed ALJ Gould’s decision in full. The Court now LIFTS the stay in this case and issues this ORDER TO SHOW CAUSE why judgment should not be entered in favor of Defendants due to insufficient evidence to show that ALJ Koldewey improperly signed ALJ Gould’s order or otherwise violated federal law. Any opposition to this order to show cause shall be filed on or before April 16, 2010. Any reply shall be filed on or before April 30, 2010. The matter will stand submitted upon receipt of all papers, and the Court will schedule a hearing if necessary.

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Initials of Deputy Clerk TS