

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

CIVIL MINUTES – GENERAL

Case No. SACV 09-00383-CJC (RNBx)

Date: March 19, 2010

Title: HARRIET FAHL ET AL. v. U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ET AL.

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 DEFENDANT

Plaintiffs Dr. Dorothy Calabrese, Harriet and Gene Fahl, and Paul Messer allege that the Department of Health and Human Services (“DHHS”) is violating the Fifth Amendment’s due process clause by wrongfully denying coverage for services provided to patients with chemical sensitivity. (Complaint ¶ 13.) By order dated July 23, 2009, the Court stayed this case until the Court would have the opportunity to issue a final judgment as to the appropriateness of Administrative Law Judge (“ALJ”) Richard Gould’s determination that Dr. Calabrese had been overpaid for services provided to her patients and was liable to reimburse Medicare. By order dated March 8, 2010, the Court affirmed ALJ Gould’s decision. 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 DHHS due to insufficient evidence to show that DHHS has violated the Constitution. 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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