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DEC 14 2011

TONY R. MOORE, CLERK  
WESTERN DISTRICT OF LOUISIANA**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION****UNITED STATES OF AMERICA : DOCKET NO. 2:10 CV 1252****VS. : JUDGE MINALDI****UNITED SERVICES AUTOMOBILE : MAGISTRATE JUDGE KAY  
ASSOCIATION, ET AL.****MEMORANDUM ORDER**

Before the court is a Motion for Clarification [Doc. 45] of the court's Memorandum Ruling [Doc. 42], filed by the United States. No Response has been filed.

On July 7, 2011, this court issued a Memorandum Ruling denying the United Services Automobile Association's Motion for Summary Judgment and granting in part and denying in part the United States' Motion for Summary Judgment. In its ruling, the court held that "[a]t the very least, the United States is entitled to recovery of a prorata share of the reasonable value of medical costs and the \$329.16 in lost wages paid by the United States."

The parties now dispute the meaning of the phrase "*pro rata* share" as it is used in the court's ruling. The United States interprets the "*pro rata* share" language in the ruling to mean that the United States is only entitled to a judgment in the amount of the reasonable value of medical costs rendered to the defendant, Specialist Aimee Fernandez, rather than the full amount of the insurance proceeds paid to her. SPC Fernandez, on the other hand, reads the court's ruling to mean that the United States' claim is limited to a fraction of the reasonable medical expenses rendered to SPC Fernandez, specifically the fraction of SPC Fernandez's potential FMCRA claims represented by the insurance proceeds she actually received.

The court agrees with the United States' interpretation. The FMRCAs unambiguously grants the United States the substantive right to recover the reasonable value of the cost of medical services rendered to injured veterans. *See* 42 U.S.C. § 2651(a). While the United States' ultimate ability to collect the funds in the registry of the court may be limited to a lesser amount, that issue is not presently before the court. Rather, the court's ruling addresses only the the United States' substantive right to recover.

Accordingly, it is ordered that the United States' Motion for Clarification of the Court's Memorandum Ruling is hereby GRANTED, and the court's Memorandum Ruling is clarified as follows: the United States is entitled to a judgment for the reasonable medical expenses rendered to SPC Fernandez, plus the amount of lost wages it incurred, along with judicial interest and attorney fees.

Lake Charles, Louisiana, this 12 day of December 2011.

  
PATRICIA MINALDI  
UNITED STATES DISTRICT JUDGE