

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court
Southern District of Texas

ENTERED

March 25, 2016

David J. Bradley, Clerk

United States of America
ex rel. Richard Drummond

Plaintiff,

versus

Bestcare Laboratory Services Inc., *et al.*,

Defendants.

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Civil Action H-08-2441

Opinion on Reconsideration

This lawsuit was filed 2,788 days ago. The United States of America moved to intervene 1,586 days ago. Despite the passage of time, the parties are still presenting arguments and evidence to the court in spasms. If the case is to be disposed of properly, the parties must (a) produce the evidence ordered by the court, and (b) present clear, thorough, and conclusive analysis.

The United States says that Karim A. Maghareh is personally liable for the money he received by mistake. Maghareh says that (a) material facts are disputed and (b) the United States has not established that the statutory protections afforded to managers of limited liability companies should be abrogated.

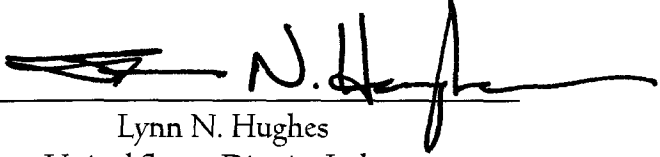
Maghareh asks the court to reconsider its partial judgement finding him personally liable to the government for unjust enrichment and mistaken payments. A court may reconsider a judgment if it is presented with new evidence, committed clear error, or when there is an intervening change in controlling law. He says that the court erred in finding him personally liable because the United States did not attach evidence to its original motion that established he personally benefitted from his clinic's fraudulent billing. In response, the United States gave the court documents to show that he (a) commingled payments from the scheme with other income and (b) bought luxuries for himself and his wife.

On March 18, 2016, in a letter to the court, Maghareh gave the court more documents and raised new arguments. At the hearing held on March 23, 2016, the United States gave the court even more documents.

This approach to evidence and argument is not rigorous or effective.

The court will reconsider Mahgareh's personal liability for unjust enrichment and mistaken payments. At this time, it will not reconsider the damages calculation.

Signed on March 25, 2016, at Houston, Texas.



Lynn N. Hughes
United States District Judge