

United States District Court  
Southern District of Texas

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**ENTERED**

July 11, 2018

David J. Bradley, Clerk

ADAMS EMS, INC.,

Plaintiff,

VS.

ALEX M. AZAR II, SECRETARY,  
UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

Defendant.

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CIVIL ACTION NO. H-18-1443

**TEMPORARY RESTRAINING ORDER**

The following relief is ordered against the defendant, Alex M. Azar, II, Secretary of the United States Department of Health and Human Services, and his officers, agents, servants, employees, and attorneys. FED. R. CIV. P. 65(d)(2). The temporary restraining order covers and is binding on those “who are in active concert or participation” with the parties or the parties’ officers, agents, servants, employees, or attorneys. *Id.* This order takes affect today, **July 11, 2018**.

- (1) The Secretary is restrained and enjoined from withholding or offsetting payments and receivables to, or otherwise collecting from, Adams EMS, Inc. to effectuate the recoupment of the alleged overpayments in the underlying claims pending an administrative law judge hearing and adjudicating Adams EMS’s overpayment appeal.
- (2) The Secretary is not restrained from withholding Medicare payments for intervening alleged overpayment claims.
- (3) The temporary restraining order bond is set at \$5,000 in addition to the funds already recouped by the Secretary. Adams EMS has posted \$2,500 as a condition of entering the temporary restraining order. (Docket Entry No. 19-1). Adams EMS must post the remaining \$2,500 by **September 10, 2018**.
- (4) This Order expires on **July 25, 2018**, unless otherwise extended by the court or by agreement of the parties.

SIGNED on July 11, 2018, at Houston, Texas.



Lee H. Rosenthal

Chief United States District Judge