

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>BRIAN HALL, <i>et al.</i>,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>CIVIL ACTION</b>
	)	<b>NO. 08-1715 (RMC)</b>
<b>v.</b>	)	
	)	
<b>MICHAEL O. LEAVITT, Secretary,</b>	)	
<b>Department of Health &amp; Human Services,</b>	)	
<b><i>et al.</i></b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**PLAINTIFF BRIAN HALL’S MOTION FOR A  
PRELIMINARY INJUNCTION**

Plaintiff BRIAN HALL, pursuant to Fed. R. Civ. P 65, moves the Court to enter a preliminary Injunction restraining the Defendants, MICHAEL LEAVITT, Secretary of the United States Department of Health and Human Services, and MICHAEL J. ASTRUE, Commissioner of the Social Security Administration, their officers, agents, employees, attorneys and successors-in-office, and all those in active concert or participation with them, from enforcing *POMS HI 00801.002, Waiver of HI Entitlement by Monthly Beneficiary, POMS HI 00801.034, Withdrawal Considerations, and POMS GN 00206.020, Withdrawal Considerations When Hospital Insurance is Involved*; from enrolling Plaintiff, BRIAN HALL, in Medicare, Part A; and from enforcing the aforementioned policies so as to deny Plaintiff, BRIAN HALL, his monthly Social Security benefits.

In support of this Motion, the Plaintiffs submit the same Memorandum of Points and Authorities in Support of the Motion for a Restraining Order and Preliminary Injunction, Declaration of BRIAN HALL, and Declaration of Gabrielle M. Kotoski, as

have been submitted in support of Plaintiff BRIAN HALL'S Motion for a Temporary Restraining Order.

**CERTIFICATE PURSUANT TO LC v R7 (m)**

Counsel for Plaintiff has conferred with counsel for Defendants concerning the relief sought in Plaintiff BRIAN HALL'S Motion for a Temporary Restraining Order and Plaintiff's Motion for a Preliminary Injunction and the Defendants have refused to agree to the injunctive relief sought by the Plaintiffs, even on a temporary basis.

For the reasons set forth in the Verified Amended and Substituted Complaint, Plaintiffs' Memorandum of Points and Authorities in Support of the Motions for a Restraining Order and Preliminary Injunction, the Declaration of BRIAN HALL, and the Declaration of Gabrielle M. Kotoski, the relief requested should be granted and the Court is requested to enter a preliminary injunction as set forth in the Proposed Order submitted with this Motion.

Respectfully submitted,

/s/ Frank M. Northam  
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