For Immediate Release **Contact: Jennifer Berkowitz**
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Statement by *Hall v. Leavitt* **Lead Plaintiff Brian Hall**
on Judge's Decision Denying Request for Temporary Restraining Order

Washington, DC – "Although I was disappointed to learn today that U.S. District Court Judge Rosemary Collyer has denied my request for a temporary restraining order (TRO) barring the Department of Health and Human Services (HHS) from enrolling me in Medicare against my will, we look forward to moving ahead with our case and we are more optimistic than ever that we will prevail at trial.

"At the end of the day, there is no legal justification for the government's rules denying retirees their Social Security benefits if they choose to opt out of Medicare, Part A. As Judge Collyer said in her ruling: 'It is passing strange that SSA insists that all persons receiving Social Security retirement benefits, a federal program that is running out of money, also must be part of Medicare Part A, another federal program that overruns budgets.' Strange indeed.

"Judge Collyer has made it clear that her ruling has no bearing on the merits of our case, rather, it was based only on whether the Social Security Administration (SSA) and HHS actually 'acted' to enroll me in Medicare, Part A, this month. She has deferred judgment on the merits because, as she noted in her ruling, the 'conundrum is for another day when this case gets to the merits of the Plaintiffs' Complaint.'

"We believe the SSA rules are illegal, arbitrary and contrary to the laws governing both Medicare and Social Security. We also believe they were improperly adopted and implemented, in violation of other federal statutes.

"Try as they may, HHS and SSA lawyers will be unable to come up with a compelling legal argument for the government's action and the improper way in which it was implemented."

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*In **Hall v. Leavitt**, originally filed on October 9, 2008, Hall and four co-plaintiffs charge that the Social Security Administration (SSA) and Department of Health and Human Services (HHS) acted illegally when they adopted policies that link Social Security eligibility with participation in Medicare, Part A. The lawsuit also charges that the policies were improperly adopted and implemented in violation of the federal Administrative Procedure Act. The plaintiffs seek the right to opt out of Medicare without losing the Social Security benefits for which they paid taxes during their working lives. More on the lawsuit can be found online at* ***www.medicarelawsuit.org***