

**For Immediate Release
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**Hearing on Lawsuit Challenging
Social Security Administration Rule Set for January 16:**

**Temporary Restraining Order Sought
in Hall v. Leavitt Medicare Lawsuit**

***Lawsuit Challenges Rules Denying Social Security Benefits
To Qualified Citizens Who Opt Out of Medicare***

Washington, DC – Judge Rosemary Collyer of the U.S District Court for the District of Columbia has scheduled an initial hearing in the *Hall v. Leavitt* Medicare lawsuit for **January 16**, the plaintiffs announced today. *Hall v. Leavitt* challenges controversial government rules that deny retirees their Social Security benefits if they choose to opt out of Medicare, Part A, the hospital insurance program, in favor of maintaining the private health care coverage of their choice.

The hearing will focus on lead plaintiff Brian Hall's recently filed motion requesting a Temporary Restraining Order barring the Department of Health and Human Services from enrolling him in Medicare against his will. The hearing will take place this **Friday, January 16, at 2:30 p.m. in the United States Courthouse at Third and Constitution Avenues in Washington, DC** and will be attended by plaintiff Hall, lead counsel Kent Masterson Brown and counsel Frank M. Northam.

“Given that the Court scheduled a hearing date so quickly, we are hoping for an immediate ruling in the plaintiff's favor, since he has met all legal requirements for the issuance of a temporary restraining order,” said Kent Masterson Brown, Hall's attorney. “Otherwise, Brian Hall will automatically be enrolled and be forced to participate in Medicare, against his wishes, though the entitlement program is supposed to be ‘voluntary.’”

The Hall lawsuit was originally filed on October 9, 2008. Hall and four co-plaintiffs charge in their lawsuit that the Social Security Administration (SSA) and Department of Health and Human Services (HHS) adopted illegal 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.

“A temporary restraining order would rightly grant Hall the freedom to continue making his own decisions about medical coverage and treatment without losing any Social Security benefits while the lawsuit is pending,” Brown said.

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