

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN ASSOCIATION OF PEOPLE
WITH DISABILITIES, *et al.*

Plaintiffs,

v.

LELAND DUDEK, *in his official capacity as
Acting Commissioner of the Social Security
Administration, et al.*,

Defendants.

Case No. 1:25-cv-00977-APM

**UNOPPOSED MOTION BY CENTER FOR MEDICARE ADVOCACY AND
MEDICARE RIGHTS CENTER FOR LEAVE TO FILE AMICUS BRIEF IN SUPPORT
OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

Pursuant to LCvR 7(o)(1), the Center for Medicare Advocacy and the Medicare Rights Center respectfully move for leave to file the attached *amicus curiae* brief in support of the plaintiffs' motion for a preliminary injunction. All parties consent to this request (see additional details *infra* p. 3).

Amici are organizations that advocate on behalf of the nation's 68 million Medicare beneficiaries. Founded in 1986, the Center for Medicare Advocacy (CMA) is a national, nonprofit law organization that works to advance comprehensive Medicare coverage, health equity, and quality health care for older people and people with disabilities. Its work includes legal assistance, advocacy, education, policy initiatives, and litigation of importance to Medicare beneficiaries nationwide, with an emphasis on the needs of people with longer-term and chronic conditions. CMA has litigated cases on topics directly relevant to this matter. *See, e.g., Machado v. Leavitt*, 542 F. Supp. 2d 185 (D. Mass. 2008) (erroneous withholding of Medicare premiums from beneficiaries' Social Security payments); *Xiufang Situ v. Leavitt*, 240 F.R.D. 551 (N.D. Cal.

2007) (improper implementation of Medicare prescription drug benefit for low-income beneficiaries, including problems with the Social Security Administration (SSA)).

The Medicare Rights Center is a national, nonprofit organization that works to ensure access to affordable and equitable health care for older adults and people with disabilities through counseling and casework, educational programs, and legislative and administrative advocacy. Medicare Rights was founded in 1989 to provide information and support to beneficiaries, caregivers, advocates, and professionals. Its National Helpline receives thousands of calls each year from people struggling to navigate enrollment into Medicare and other interactions with SSA.

The Center for Medicare Advocacy and the Medicare Rights Center both advocate for access to comprehensive and affordable health care for older adults and people with disabilities. *Amici* organizations are thus focused on the interests of Medicare beneficiaries and have expertise on the Medicare program and the ways in which it intersects with Social Security. Medicare beneficiaries contact *amici*'s offices for information and counseling, providing *amici* with unique perspectives on the challenges beneficiaries face and making them well-suited to address the very practical access issues raised by this case.

The information *amici* set out in the proposed brief is desirable and will be useful to the Court's consideration of the pending motion for a preliminary injunction. LCvR 7(o)(2). The brief informs the Court of the specific ways in which defendants' actions undermine not only the Social Security program, but also the Medicare program. It describes the critical role Medicare plays for people with disabilities, and, by reviewing how the two programs intersect, why it is impossible to threaten the infrastructure of Social Security without also threatening the infrastructure of Medicare. Finally, the brief describes how the erosion of SSA's core functions

has severe consequences for disabled Medicare beneficiaries, including forcing them to forgo necessary health care.

As noted, counsel for *amici* contacted counsel of record for plaintiffs and defendants to obtain their consent to the filing of the attached amicus brief. Counsel for plaintiffs consented. Counsel for defendants stated that in light of the Court's scheduling order, the government consents provided that this motion is filed today (April 9) along with the proposed amicus brief (which is attached), and provided that the proposed amicus brief is not too long. The proposed amicus brief is 12 pages.

A proposed order is attached.

Dated: April 9, 2025

Respectfully submitted,

/s/ Alice Bers

Alice Bers

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