

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

DOCKET NO. 15CV10499-WGY

BHARANIDHARAN PADMANABHAN, MD, PHD,

Plaintiff

CENTERS FOR MEDICARE & MEDICAID, ET AL.,

Defendants

**MEMORANDUM OF REASONS & LEGAL AUTHORITY IN SUPPORT OF  
PLAINTIFF'S MOTION REQUESTING WRITTEN SPECIFIC FINDINGS OF FACT  
AND REASONING FOR THE THE DENIAL OF PLAINTIFF'S MOTION FOR ENTRY  
OF DEFAULT AGAINST NAMED DEFENDANTS**

This motion requests this Court (Young, J.) to issue a written memorandum of specific findings of facts and reasoning regarding the afore-referenced issued Order of April 2, 2015, wherein it denied the Plaintiff's motion for entry of default against named Defendants. The grounds in support of this motion are set forth as follows:

1. On March 22, 2015, Plaintiff Dr. Bharani filed a motion and supporting memorandum requesting an entry of default against Defendants Paikos, Cooke, Hocter, Bouton, Sloane and Felice.

2. The Assistant Attorney General filed an opposition to the Plaintiff's motion for entry of default against the above-enumerated Defendants; wherein the Assistant Attorney General made assertions for grounds on which the motion should be purportedly denied.

3. On April 2, 2015, this Court (Young, J.) issued an Order denying the Plaintiff's afore-described motion. This Court summarily denied the motion.

4. This Court did not issue a memorandum of decision regarding the denial of the afore-described Plaintiff's motion. In addition, the Court did not include any basis for the denial in its recording of the Order in the electronic docket—the content of the recorded entry for the Order contains only a statement that the motion was denied. (A copy of the electronic notice is provided in **Exhibit 1**).

5. The factual assertions and legal authority presented by Plaintiff Dr. Bharani in his motion and memorandum show that, under the doctrine of collateral estoppel, the rulings and orders of the Norfolk Superior Court demonstrate that the denial of Plaintiff Dr. Bharani's motion for entry of default by this Court (Young, J.) constitutes an abuse of discretion.

6. The factual assertions presented in the filed motion and memorandum by Plaintiff Dr. Bharani are supported by accompanying indisputable documentation. De facto, the Norfolk Superior Court ruled: 1) that the returns of service regarding the named Defendants submitted by Plaintiff Dr. Bharani are not stricken, and 2) that the named Defendants were *not* permitted their specific request for an enlargement of time to file a motion to dismiss.

7. Where Plaintiff Dr. Bharani is pursuing appellate review of the denial of this Court's afore-described motion for entry of default based on the grounds of abuse of discretion, specific written statements of findings of fact and reasoning by this Court is necessitated.

8. The Court of Appeals has unequivocally declared that an explanation by the district court is needed to facilitate its review of matters. *Pahlavi v. Palandjian*, 744 F.2d 902, 904 (1984).

9. As expressed by the Court of Appeals in *Pahlavi v. Palandjian* , 744 F.2d 902 at 904, when the district court does not provide an explanation for its conclusion, such circumstances render it impossible for the Court of Appeals to conduct the required review of the district court’s exercise of discretion. *Id.*

10. As evidenced, this Court did not provide any basis or reasoning whatsoever for its denial of Plaintiff Dr. Bharani’s afore-described motion for entry of default.

11. As expressed by this Court (Young, J.) in *US v. Commonwealth of Mass*, 781 F. Supp.2d 1, 20 (2011): “A United States district judge has the responsibility of providing the best justice possible—in every single case.”

12. As demonstrated, it is in the interests of judicial economy and justice for this Court to issue a written statement of specific findings of facts and reasons on which it has denied the Plaintiff’s afore-described motion for entry of default against the named Defendants.

WHEREFORE, for all the above reasons, Plaintiff Dr. Bharani requests this Court to issue a written statement of specific findings of facts and reasons for its denial of Plaintiff Dr. Bharani’s afore-described motion for entry of default against named Defendants.

Respectfully submitted,

/s/ Lisa Siegel Belanger

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