

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

ALI RASHAN,

Defendant.

25 CR. 283 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has reviewed the report of proposed defense expert David Duhaime, Dkt. 43, and the parties' memoranda of law on the Government's motion to preclude Mr. Duhaime's testimony in its entirety, Dkts. 43, 45–46. The Court's judgment is that it would benefit from a *Daubert* hearing focused on the methodology that Mr. Duhaime utilized in reaching certain opinions, whether that methodology is reliable, and whether Mr. Duhaime is qualified to render such opinions.

These opinions on which the Court commissions a *Daubert* hearing are:

1. That ClearMD's use of specific billing codes for specific medical practices and tests was consistent with applicable rules and guidance at the time. The Court expects the hearing to focus on the specific billing practices underlying the fraud allegations in this case.
2. The regulatory environment for diagnostic testing centers during the time period of the COVID-19 pandemic at issue in this case, and its effect on billing and recordkeeping practices.

For avoidance of doubt, the Court does not invite a *Daubert* hearing on any other opinions to which Mr. Duhaime proposes to testify.

The Court schedules a *Daubert* hearing for Friday, April 17, 2026, beginning at 9:30 a.m., in courtroom 1305 of the Thurgood Marshall United States Courthouse. The Court expects the hearing to begin with direct testimony by Mr. Duhaime, lasting no more than two hours, followed by cross-examination from the Government. In light of the Court's other commitments in the period preceding the trial and the importance of a prompt resolution to this motion, the parties should not assume that this date can be adjourned.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer".

PAUL A. ENGELMAYER
United States District Judge

Dated: April 7, 2026
New York, New York