



Written by [Raven Clabough](#) on April 22, 2011

N.J. Judge Dismisses ObamaCare Challenge

Even as states are gaining traction in the challenge against ObamaCare, a federal judge in New Jersey elected to dismiss a lawsuit against the new healthcare law, contending that those bringing the suit lacked legal standing. Last September, Garden State residents Nicholas Purpura and Donald Laster, Jr. filed a lawsuit against Obama's signature law, the Patient Protection and Affordable Care Act, which goes into effect in 2014. Fox News reports:



The pairs suit was among nearly two dozen challenging the constitutionality of the law, in particular the individual mandate that would require all U.S. citizens to buy healthcare or face penalties.

In their complaint, the two men charged that the law was unconstitutional, illegal, and fraudulent.

According to the complaint, the law is illegal because it was signed by a President who is ineligible, utilizing the same argument held by the birther movement.

Furthermore, the pair complained of the laws discriminate application. Fox News explains:

They alleged the law violated the First Amendment because it would exempt Muslims and the Amish from the individual mandate. They also said the law violated the Fourteenth Amendment because it provides funding to "historically black and minority serving colleges and taxes tanning salons."

Attorneys for the Obama administration rebuked the complainants, asserting that the two men had not explained why they were entitled to challenge the law.

Fox News continues:

After the administration filed its motion to dismiss the case, the two argued they were personally affected by the law because Purpura, 68, would lose access to popular private insurance plans offered through Medicare and lose privacy of his medical records while Laster, who is disabled, would be taxed on medical devices that cross state lines and be restricted to drugs approved by government officials.

Judge Freda Wolfson (pictured, above) ruled that the allegations did not reflect an immediate threat and dismissed the case, characterizing Purpuras and Lasters complaints as generalized grievances.

Considered on their own it is clear that these allegations fail to establish Plaintiffs standing to challenge any of the provisions of the act, she claimed.

Obamas signature healthcare law has provoked ire over a number of issues, particularly its cost and the waivers that have been granted since it was signed into law last year.



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The Congressional Budget Office, after a more careful analysis of the figures, [revealed](#) that the actual cost of ObamaCare would be over \$2 trillion, despite assertions by President Obama and then-House Speaker Nancy Pelosi that it would cost less than \$1 trillion. The law has not even gone into effect and already the projected costs have doubled. And if ObamaCare is anything like [Medicare](#), Americans can expect costs to soar as high as 800 percent.

Hot Air [reported](#) in March that the total number of healthcare waivers surpassed 1,000 following the laws enactment:

HHS posted 126 new waivers on Friday, bringing the total to 1,040 organizations that have been granted a one-year exemption from a new coverage requirement included in the healthcare reform law enacted almost a year ago.

In order to avoid disruption in the insurance market, the healthcare overhaul gives HHS the power to grant waivers to firms that cannot meet new annual coverage limits in 2011. The waivers have typically been granted to so-called mini-med plans that offer limited annual coverage as low as \$2,000 that would fall short of meeting the new annual coverage floor of \$750,000 in 2011.

The waivers raised concerns over how the Department of Health and Human Services (HHS) determines who receives them, as no standard had been set. The process is entirely discretionary, as it is governed by the phrase, The secretary shall determine virtually allowing the agency to make up the rules as it goes along. It is yet another example of the expansion of regulatory power.

Thus far, the law has been ruled unconstitutional by two Republican-appointed judges, while three Democrat-appointed judges have ruled in the laws favor.

The legal challenge has even received Democratic backing, as Missouri Attorney General Chris Koster argued in a friend of the court brief that the individual mandate to buy insurance is unconstitutional.

The Supreme Court is expected to take up the issue next year after a federal appeals court put the legal challenge virtually on the [fast-track](#) at the request of the American Center for Law and Justice (ACLJ).



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