

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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BALL MEMORIAL HOSPITAL, *et al.*,

Plaintiffs,

v.

MICHAEL O. LEAVITT,<sup>1</sup>

Secretary, U.S. Department of  
Health and Human Services,

Defendant.

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Civil Action No. 04-2254 (RMC)

**ORDER**

For the reasons stated in the Memorandum Opinion filed concurrently herewith, it is hereby

**ORDERED** that Defendant's Motion to Dismiss [Dkt. #10] is **GRANTED**; and it is

**FURTHER ORDERED** that Plaintiffs' Motion for Summary Judgment [Dkt. #14] is **DENIED**; and it is

**FURTHER ORDERED** that this case is closed and shall be removed from the docket of this Court. This is a final, appealable Order. *See* Fed. R. App. P. 4(a).

**SO ORDERED.**

Date: September 22, 2006

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/s/  
ROSEMARY M. COLLYER  
United States District Judge

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<sup>1</sup> Michael O. Leavitt is substituted for his predecessor, Tommy G. Thompson, as Secretary of the Department of Health and Human Services, pursuant to Fed. R. Civ. P. 25(d)(1).