

**FILED**

**FOR PUBLICATION**

**SEP 03 2008**

**UNITED STATES COURT OF APPEALS**

**MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

CASCADE HEALTH SOLUTIONS FKA  
MCKENZIE-WILLIAMETTE  
HOSPITAL, an Oregon nonprofit  
corporation,

Plaintiff - Appellant,

v.

PEACEHEALTH, a Washington State  
nonprofit corporation,

Defendant - Appellee,

and

PACIFICSOURCE HEALTH PLANS,

Defendant,

REGENCE BLUECROSS BLUESHIELD  
OF OREGON; PROVIDENCE HEALTH  
PLAN; MCKENZIE-WILLIAMETTE  
REGIONAL MEDICAL CENTER  
ASSOCIATES, LLC,

Defendant-Intervenors.

No. 05-35627

D.C. No. CV-02-06032-ALH  
District of Oregon,  
Portland

**ORDER VACATING PRIOR  
ORDER CERTIFYING  
QUESTION TO THE SUPREME  
COURT OF OREGON, AND  
FOR ISSUANCE OF MANDATE**

MCKENZIE-WILLAMETTE  
HOSPITAL,

No. 05-35640

Plaintiff - Appellee,

v.

PEACEHEALTH, a Washington State  
nonprofit corporation,

Defendant - Appellant,

and

PACIFICSOURCE HEALTH PLANS,

Defendant,

REGENCE BLUECROSS BLUESHIELD  
OF OREGON; PROVIDENCE HEALTH  
PLAN; MCKENZIE-WILLIAMETTE  
REGIONAL MEDICAL CENTER  
ASSOCIATES, LLC,

Defendant-Intervenors.

D.C. No. CV-02-06032-HA  
District of Oregon,  
Portland

MCKENZIE-WILLAMETTE  
HOSPITAL,

Plaintiff - Appellee,

v.

PEACEHEALTH, a Washington State  
nonprofit corporation,

Defendant - Appellant.

No. 05-36153

D.C. No. CV-02-06032-HA  
District of Oregon,  
Portland

MCKENZIE-WILLAMETTE  
HOSPITAL, an Oregon nonprofit  
corporation,

Plaintiff - Appellant,

v.

PEACEHEALTH,

Defendant - Appellee.

No. 05-36202

D.C. No. CV-02-06032-HA

Before: GOULD, PAEZ, and RAWLINSON, Circuit Judges.

On August 25, 2008, this Court was advised that the parties have resolved the dispute that gave rise to this appeal. In light of this resolution, the motion to vacate certification and for mandate is GRANTED. Our prior Order Certifying Question To The Supreme Court Of Oregon is hereby VACATED. The question certified to the Oregon Supreme Court shall be withdrawn and our clerk of court shall transmit a copy of this order to the Oregon Supreme Court with advice that we withdraw our certified question which is now moot in light of the parties' resolution of the appeal. Also, the clerk of our court is instructed to issue the mandate in this case.

