IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION

UNITED STATES OF AMERICA : ex rel. ANGELA PARATO. :

:

Plaintiff,

: Civil Action No. 5:07-CV-76(HL)

V.

:

UNADILLA HEALTH CARE CENTER, INC., et al.,

:

Defendants.

ORDER

As part of their Motions to Dismiss Angela Parato's Complaint and Amended Complaint, the Defendants have all referenced the Department of Health and Human Services' Grants Policy Statement, HHS II-92 (Jan. 1, 2007). The UnaHealth Defendants have proposed that the Court take judicial notice of the policy statement in ruling on the Motions to Dismiss. They further argue that the Court can consider the policy statement without converting the Motions to Dismiss to ones for summary judgment, as the policy statement is central to Parato's claim and the authenticity of the statement can be judicially noticed.

Under Federal Rule of Evidence 201, a party is entitled "to an opportunity to be heard as to the propriety of taking judicial notice and the tenor of the matter noticed." Fed. R. Evid. 201(e). Parato is ordered to inform the Court as to her belief of the propriety of taking judicial notice of the Grants Policy Statement. Parato's filing shall

be no more than five pages, and shall be filed no later than December 22, 2009. No response to Parato's pleading shall be filed by the Defendants.

SO ORDERED, this the 14th day of December, 2009.

<u>s/ Hugh Lawson</u> HUGH LAWSON, SENIOR JUDGE

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