

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS, \*

Plaintiff, \*

v. \*

Civil Action No. 1:09-11156-JLT

UNITED STATES DEPARTMENT OF HEALTH \*  
AND HUMAN SERVICES; KATHLEEN \*  
SEBELIUS, in her official capacity as the Secretary \*  
of the United States Department of Health and \*  
Human Services; UNITED STATES \*  
DEPARTMENT OF VETERANS AFFAIRS; \*  
ERIC K. SHINSEKI, in his official capacity as the \*  
Secretary of the United States Department of \*  
Veterans Affairs; and the UNITED STATES OF \*  
AMERICA, \*

Defendants. \*

ORDER

July 8, 2010

TAURO, J.

For the reasons set forth in the accompanying Memorandum, this court hereby orders that Defendants' Motion to Dismiss [#16] is DENIED and Plaintiff's Motion for Summary Judgment [#26] is ALLOWED.

IT IS SO ORDERED.

/s/ Joseph L. Tauro  
United States District Judge