

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<p>JEANES HOSPITAL,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>KATHLEEN SEBELIUS, <i>Secretary of Health and Human Services,</i></p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CIVIL ACTION</p> <p>NO. 04-cv-0395</p>
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ORDER

AND NOW, this 28th day of September, 2010, upon review and consideration of Plaintiff’s Motion for Summary Judgment [docket entry No. 61]; Defendant’s Cross-Motion for Summary Judgment and Opposition to Plaintiff’s Motion [docket entry Nos. 67 and 68]; Plaintiff’s Response to Defendant’s Cross Motion [docket entry No. 69], Defendant’s Reply to Plaintiff’s Response [docket entry No. 72]; Defendant’s Notice of Supplemental Authority [docket entry No. 73]; Plaintiff’s Response to Defendant’s Notice of Supplemental Authority [docket entry No. 77], as well as the Administrative Record established below, and for the reasons set forth in the attached Memorandum Opinion, it is hereby **ORDERED** that:

1. Plaintiff’s Motion for Summary Judgment is **DENIED**;
2. Defendant’s Cross-Motion for Summary Judgment is **GRANTED**;
3. The decision of the Administrator of the Centers for Medicare & Medicaid Services

in the matter of Jeanes Hospital v. Wisconsin Physicians Service (formerly Mutual of Omaha Insurance Company)(Review of PRRB Decision No. 2009-D23), dated July 24, 2009, is hereby **AFFIRMED**.

The Clerk of Court is **DIRECTED** to mark this case **CLOSED**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.