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

UNITED STATES OF AMERICA, ex rel. ANTHONY R. SPAY,	:	
	:	CIVIL ACTION
Plaintiff,	:	
v.	:	
	:	NO. 09-4672
CVS CAREMARK CORPORATION; CAREMARK Rx, LLC (f/k/a CAREMARK Rx, Inc.); CAREMARK, LLC (f/k/a CAREMARK, INC.); SILVERSCRIPT, LLC (f/k/a SILVERSCRIPT INC.),	:	
Defendants.	:	

ORDER

AND NOW, this *20th* day of *December*, 2012, upon consideration of **(1)** the Motion by Defendants CVS Caremark Corporation, Caremark Rx, LLC, Caremark, LLC, and Silverscript, LLC to Dismiss for Failure to State a Claim and for Lack of Subject Matter Jurisdiction (Docket Nos. 44–45), Plaintiff Anthony R. Spay's Response in Opposition (Docket Nos. 55–56), Defendants' Reply Brief (Docket No. 66), Plaintiff's Sur-reply Brief (Docket No. 74), the United States' Statement of Interest in Response to Defendants' Motion to Dismiss (Docket No. 73), Plaintiff's Response to the United States' Statement of Interest (Docket No. 75), and Defendants' Response to the United States' Statement of Interest (Docket No. 76); **(2)** Defendants' Request for Judicial Notice (Docket No. 46), Plaintiff's Response to the Request for Judicial Notice (Docket No. 59), and Defendants' Reply Brief (Docket No. 68); and **(3)** Plaintiff's Motion to Strike or, in the Alternative, Objections to Certain Exhibits to Defendants' Motion to Dismiss

(Docket No. 58) and Defendants' Response to the Motion to Strike (Docket No. 67), it is hereby

ORDERED as follows:

1. Defendants' Request for Judicial Notice (Docket No. 46) is **GRANTED** and the Court shall take judicial notice of Exhibits B through O, attached to the April 20, 2012 Declaration of Robert H. Griffith.

2. Plaintiffs' Motion to Strike or, in the Alternative, Objections to Exhibits (Docket No. 58) is **DENIED** in its entirety.

3. Defendants' Motion to Dismiss for Failure to State a Claim and for Lack of Subject Matter Jurisdiction (Docket No. 44) is **DENIED** in its entirety.

It is so **ORDERED**.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.