

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

| | | |
|---|---|------------------------|
| EDITH WEINSTEIN, | : | |
| Executrix of the Estate of Irwin | : | |
| Weinstein, deceased, | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | Civ. No. 12-154 |
| | : | |
| KATHLEEN SEBELIUS, | : | |
| Secretary of the United States, | : | |
| Dept. of Health and Human Services | : | |
| Defendant. | : | |

ORDER

AND NOW, this 21st day of March, 2013, upon careful and independent consideration of the instant motions, and after review of Magistrate Judge Rice's Report and Recommendation, to which no objections have been filed, it is hereby **ORDERED** as follows:

1. The Report and Recommendation (Doc. No. 18) is **APPROVED** and **ADOPTED**;
2. Plaintiff's Motion for Summary Judgment (Doc. No. 12) is **DENIED**;
3. Defendant's Motion for Summary Judgment (Doc. No. 13) is **GRANTED**;
4. Judgment is entered for Defendant;
5. The Clerk shall mark this case **CLOSED** for statistical purposes.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.