

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

LIFEWATCH SERVICES, INC., : CIVIL ACTION
 : NO. 12-5146
Plaintiff, :
 :
v. :
 :
HIGHMARK, INC., et al., :
 :
Defendants. :

O R D E R

AND NOW, this **3rd** day of **April, 2017**, upon consideration of Plaintiff's Third Amended Complaint (ECF No. 90), Defendants' Motion to Dismiss the Third Amended Complaint (ECF No. 95), Plaintiff's Motion to File an Amended Response in Opposition to Defendants' Motion to Dismiss the Third Amended Complaint and Proposed Amended Response (ECF Nos. 101, 101-1), Defendants' Motion for Leave to File a Reply in Support of Motion to Dismiss and Proposed Reply (ECF Nos. 102, 102-1), Defendants' Motion for Leave to File Notice of Supplemental Authority and Proposed Notice (ECF Nos. 108, 108-1), Plaintiff's Motion for Leave to File Notice of Supplemental Authority and Proposed Notice (ECF Nos. 109, 109-1), and following a hearing held on the record with counsel for both parties on December 19, 2016, it is hereby **ORDERED** as follows:

1. Defendants' Motion to Dismiss the Third Amended

Complaint (ECF No. 95) is **GRANTED**.

2. Plaintiffs' Third Amended Complaint (ECF No. 90) is **DISMISSED with prejudice**.

3. Plaintiff's Motion to File an Amended Response in Opposition to Defendants' Motion to Dismiss the Third Amended Complaint (ECF No. 101), Defendants' Motion for Leave to File a Reply in Support of Motion to Dismiss (ECF No. 102), Defendants' Motion for Leave to File Notice of Supplemental Authority (ECF No. 108), and Plaintiff's Motion for Leave to File Notice of Supplemental Authority (ECF No. 109) are all **DENIED as moot**.¹

4. The Clerk of Court is directed to mark the case as **CLOSED**.

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.

¹ The Court considered the contents of Plaintiff's Proposed Amended Response in Opposition to Defendants' Motion to Dismiss (ECF No. 101-1), Defendants' Proposed Reply (ECF No. 102-1), Defendants' Proposed Notice of Supplemental Authority (ECF No. 108-1), and Plaintiff's Proposed Notice of Supplemental Authority (ECF No. 109-1) in deciding Defendants' Motion to Dismiss the Third Amended Complaint (ECF No. 95).