

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

MOORE EYE CARE, P.C., et al.,	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL ACTION NO. 15-cv-05290
	:	
CHARTCARE SOLUTIONS INC., et al.,	:	
Defendants.	:	

ORDER

AND NOW, this 7th day of March 2019, upon consideration of the motions for summary judgment filed by Moore Eye Care, P.C. and Eye Services, MSO d/b/a Moore Eye Institute (Moore Eye) [Doc. No. 86], Medical Transcription Billing, Corp. (MTBC) [Doc. No. 88],¹ and ChartCare Solutions, Inc., and the responses and replies thereto, it is hereby **ORDERED** that:

1. MTBC's Motion for Summary Judgment is **DENIED**;
2. Moore Eye's Motion for Summary Judgment is **DENIED in part and GRANTED in part**. It is denied as to Counts I–III of MTBC's counterclaim and granted as to Count IV and V of MTBC's counterclaim, which are dismissed; and
3. ChartCare's Motion for Summary Judgment is **DENIED in part and GRANTED in part**. It is denied as to Count I of MTBC's cross-claim and granted as to Count II of MTBC's cross-claim, which is dismissed.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.

¹ MTBC filed its summary judgment motion on May 5, 2018, the day after the deadline to file dispositive motions. MTBC moved for the Court to accept its late-filed motion, asserting that the one-day delay was caused by counsel underestimating the time required to format the motion and its attachments. [Doc. No. 89]. Given the minimal delay, which has not prejudiced any party, MTBC's request is granted and the late-filed motion has been accepted.