

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

LYNN OXENBERG and RONALD  
LEWIS

Plaintiffs,

v.

NORRIS COCHRAN,\* *in his official  
capacity as the Acting Secretary of the  
Department of Health and Human  
Services,*

Defendant.

CIVIL ACTION NO. 20-738

**ORDER**

AND NOW, this 8th day of February 2021, upon consideration of Defendant's Rule 12(b)(1) Motion to Dismiss, and responses and replies thereto, and for the reasons explained in the accompanying Memorandum Opinion, it is hereby **ORDERED** that Defendant's Motion to Dismiss [Doc. No. 32] is **GRANTED**. Plaintiff's Complaint is **DISMISSED without prejudice**. It is further **ORDERED** that Plaintiffs' Motion for Summary Judgment [Doc. No. 12], Defendant's Motion for Summary Judgment [Doc. No. 17], and Plaintiffs' Motion for Leave to File Supplement to Motion for Summary Judgment [Doc. No. 30] are **DISMISSED** as moot. The Clerk is directed to **CLOSE** the case.

It is so **ORDERED**.

**BY THE COURT:**

/s/ Cynthia M. Rufe

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CYNTHIA M. RUFÉ, J.

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\* Under Fed. R. Civ. P. 25(d), Norris Cochran is substituted as Defendant for former Secretary of the Department of Health and Human Services Alex Azar.