

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**


COMMONWEALTH OF VIRGINIA	)	
EX REL. KENNETH T. CUCCINELLI, II,	)	
in his official capacity as Attorney	)	
General of Virginia,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 3:10CV188-HEH
	)	
KATHLEEN SEBELIUS,	)	
SECRETARY OF THE DEPARTMENT	)	
OF HEALTH AND HUMAN SERVICES,	)	
in her official capacity,	)	
	)	
Defendant.	)	

**ORDER**  
**(Denying Defendant's Motion to Dismiss)**

THIS MATTER is before the Court on Defendant's Motion to Dismiss (Dk. No. 21), filed on May 24, 2010. For the reasons stated in the accompanying Memorandum Opinion, the Defendant's Motion to Dismiss is DENIED.

The Clerk is directed to send a copy of this Order and the accompanying Memorandum Opinion to all counsel of record.

It is SO ORDERED.

 /s/ \_\_\_\_\_  
Henry E. Hudson  
United States District Judge

Date: Aug. 2, 2010  
Richmond, VA