

**LIFEWATCH SERVICES, INC., Plaintiff,**  
**v.**  
**HIGHMARK, INC., et al., Defendants.**

Civil Action No. 12-5146.

**United States District Court, E.D. Pennsylvania.**

April 3, 2017.

LIFEWATCH SERVICES, INC., Plaintiff, represented by ANDREW M. MEERKINS, SHOOK HARDY & BACON LLP.

LIFEWATCH SERVICES, INC., Plaintiff, represented by MICHAEL J. MCCARRIE, ARTZ HEALTH LAW, ANNA S. KNIGHT, SHOOK HARDY & BACON LLP, GARY M. ELDEN, SHOOK HARDY & BACON, LLP & JOHN R. MCCAMBRIDGE, SHOOK HARDY & BACON LLP.

BLUE CROSS AND BLUE SHIELD ASSOCIATION, Defendant, represented by DANIEL E. LAYTIN, KIRKLAND & ELLIS LLP, DAVID J. ZOTT, KIRKLAND & ELLIS LLP, IAN R. CONNER, KIRKLAND & ELLIS, KATE GUILFOYLE, KIRKLAND & ELLIS LLP, SARAH J. DONNELL, KIRKLAND & ELLIS LLP, SHERYL L. AXELROD, THE AXELROD FIRM LLC & STEPHEN A. LONEY, Jr., HOGAN LOVELLS US LLP.

WELLPOINT, INC., Defendant, represented by CRAIG A. HOOVER, HOGAN LOVELLS US LLP, DAVID NEWMANN, HOGAN LOVELLS US LLP, E. DESMOND HOGAN, HOGAN LOVELLS US LLP, ELIZABETH JOSE, HOGAN LOVELLS US LLP, EMILY M. YINGER, HOGAN LOVELLS US LLP, JOHN ROBERT ROBERTSON, HOGAN LOVELLS US LLP, JUSTIN W. BERNICK, HOGAN LOVELLS US LLP, SHERYL L. AXELROD, THE AXELROD FIRM LLC & STEPHEN A. LONEY, Jr., HOGAN LOVELLS US LLP.

HORIZON BLUE CROSS BLUE SHIELD OF NEW JERSEY, Defendant, represented by CRAIG A. HOOVER, HOGAN LOVELLS US LLP, DAVID NEWMANN, HOGAN LOVELLS US LLP, E. DESMOND HOGAN, HOGAN LOVELLS US LLP, ELIZABETH JOSE, HOGAN LOVELLS US LLP, EMILY M. YINGER, HOGAN LOVELLS US LLP, JOHN ROBERT ROBERTSON, HOGAN LOVELLS US LLP, JUSTIN W. BERNICK, HOGAN LOVELLS US LLP, SHERYL L. AXELROD, THE AXELROD FIRM LLC & STEPHEN A. LONEY, Jr., HOGAN LOVELLS US LLP.

BLUE CROSS BLUE SHIELD OF SOUTH CAROLINA, Defendant, represented by CRAIG A. HOOVER, HOGAN LOVELLS US LLP, DAVID NEWMANN, HOGAN LOVELLS US LLP, E. DESMOND HOGAN, HOGAN LOVELLS US LLP, ELIZABETH JOSE, HOGAN LOVELLS US LLP, EMILY M. YINGER, HOGAN LOVELLS US LLP, JOHN ROBERT ROBERTSON, HOGAN LOVELLS US LLP, JUSTIN W. BERNICK, HOGAN LOVELLS US LLP, SHERYL L. AXELROD, THE AXELROD FIRM LLC & STEPHEN A. LONEY, Jr., HOGAN LOVELLS US LLP.

BLUE CROSS BLUE SHIELD OF MINNESOTA, Defendant, represented by CRAIG A. HOOVER, HOGAN LOVELLS US LLP, DAVID NEWMANN, HOGAN LOVELLS US LLP, E. DESMOND HOGAN, HOGAN LOVELLS US LLP, ELIZABETH JOSE, HOGAN LOVELLS US LLP, EMILY M. YINGER, HOGAN LOVELLS US LLP, JOHN ROBERT ROBERTSON, HOGAN LOVELLS US LLP, JUSTIN W. BERNICK, HOGAN LOVELLS US LLP, SHERYL L. AXELROD, THE AXELROD FIRM LLC & STEPHEN A. LONEY, Jr., HOGAN LOVELLS US LLP.

## **ORDER**

EDUARDO C. ROBRENO, District Judge.

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.<sup>[1]</sup>
4. The Clerk of Court is directed to mark the case as CLOSED.

AND IT IS SO ORDERED.

[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).

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