

**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**

**(Granting Plaintiff's Motion for Summary Judgment and Denying Defendant's  
Motion for Summary Judgment)**

THIS MATTER is before the Court on Motions for Summary Judgment filed by both parties (Dk. Nos. 88, 90) on September 3, 2010, pursuant to Federal Rule of Civil Procedure 56. For the reasons stated in the accompanying Memorandum Opinion, Plaintiff's Motion is GRANTED as to its request for declaratory relief and DENIED as to its request for injunctive relief, and Defendant's Motion 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.

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/s/  
Henry E. Hudson  
United States District Judge

Date: Dec 13, 2010  
Richmond, VA