

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

McKENZIE-WILLAMETTE HOSPITAL,	)	
an Oregon corporation,	)	
	)	
Plaintiff,	)	Civil No. 02-6032-HA
	)	
v.	)	ORDER (Denying Motion
	)	to Dismiss)
PEACEHEALTH, a Washington State	)	
nonprofit corporation,	)	
	)	
Defendant.	)	
_____	)	

HAGGERTY, District Judge:

The parties in this case are major medical care providers in the Eugene/Springfield area. PeaceHealth operates Sacred Heart Hospital in Eugene, Oregon, and McKenzie-Willamette Hospital is in Springfield. Presently before the court is the defendant's motion to dismiss one of the seven claims in the plaintiff's complaint.

Pursuant to Fed. R. Civ. P. 12(b), a complaint may be dismissed if "it appears beyond doubt that the plaintiff can prove no set of facts

in support of his claim that would entitle him to relief." Tanner v. Heise, 879 F.2d 572, 576 (9th Cir. 1989) (quoting Conley v. Gibson, 355 U.S. 41, 45-46 (1957)).

In this case, the plaintiff may be able to prove one set of facts to support its first claim. Further, the same discovery will be necessary in this case with or without the plaintiff's first claim for relief. Therefore, the defendant's motion (#15) to dismiss is denied.

DATED this 20 day of August, 2002.

/s/ Ancer L.Haggerty  
Ancer L. Haggerty  
United States District Judge