

SEP 03 2008

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

CASCADE HEALTH SOLUTIONS FKA
MCKENZIE-WILLIAMETTE
HOSPITAL, an Oregon nonprofit
corporation,

Plaintiff - Appellant,

v.

PEACEHEALTH, a Washington State
nonprofit corporation,

Defendant - Appellee,

and

PACIFICSOURCE HEALTH PLANS,

Defendant,

REGENCE BLUECROSS BLUESHIELD
OF OREGON; PROVIDENCE HEALTH
PLAN; MCKENZIE-WILLIAMETTE
REGIONAL MEDICAL CENTER
ASSOCIATES, LLC,

Defendant-Intervenors.

No. 05-35627

D.C. No. CV-02-06032-ALH
District of Oregon,
Portland

ORDER VACATING PRIOR
ORDER CERTIFYING
QUESTION TO THE SUPREME
COURT OF OREGON, AND
FOR ISSUANCE OF MANDATE

MCKENZIE-WILLAMETTE
HOSPITAL,

No. 05-35640

Plaintiff - Appellee,

v.

PEACEHEALTH, a Washington State
nonprofit corporation,

Defendant - Appellant,

and

PACIFICSOURCE HEALTH PLANS,

Defendant,

REGENCE BLUECROSS BLUESHIELD
OF OREGON; PROVIDENCE HEALTH
PLAN; MCKENZIE-WILLIAMETTE
REGIONAL MEDICAL CENTER
ASSOCIATES, LLC,

Defendant-Intervenors.

D.C. No. CV-02-06032-HA
District of Oregon,
Portland

MCKENZIE-WILLAMETTE
HOSPITAL,

Plaintiff - Appellee,

v.

PEACEHEALTH, a Washington State
nonprofit corporation,

Defendant - Appellant.

No. 05-36153

D.C. No. CV-02-06032-HA
District of Oregon,
Portland

MCKENZIE-WILLAMETTE
HOSPITAL, an Oregon nonprofit
corporation,

Plaintiff - Appellant,

v.

PEACEHEALTH,

Defendant - Appellee.

No. 05-36202

D.C. No. CV-02-06032-HA

Before: GOULD, PAEZ, and RAWLINSON, Circuit Judges.

On August 25, 2008, this Court was advised that the parties have resolved the dispute that gave rise to this appeal. In light of this resolution, the motion to vacate certification and for mandate is GRANTED. Our prior Order Certifying Question To The Supreme Court Of Oregon is hereby VACATED. The question certified to the Oregon Supreme Court shall be withdrawn and our clerk of court shall transmit a copy of this order to the Oregon Supreme Court with advice that we withdraw our certified question which is now moot in light of the parties' resolution of the appeal. Also, the clerk of our court is instructed to issue the mandate in this case.

