

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

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| IN RE: BLUE CROSS BLUE SHIELD ANTITRUST LITIGATION (MDL NO.: 2406) | } } } } } | Master File No.: 2:13-CV-20000-RDP This document relates to all cases. |
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ORDER

In accordance with the accompanying Memorandum Opinion, it is **ORDERED** as follows: (1) Defendants' Amended and Restated Motion Based on the Filed Rate Doctrine for Summary Judgment on the Alabama Subscribers' Damages Claims (Doc. # 733) is **GRANTED IN PART AND DENIED IN PART**; and (2) Alabama Subscriber Plaintiffs' Cross-Motion for Partial Summary Judgment on the Filed-Rate Doctrine (Doc. # 770) is **GRANTED IN PART AND DENIED IN PART**.

Defendants' Amended and Restated Motion Based on the Filed Rate Doctrine for Summary Judgment on the Alabama Subscribers' Damages Claims (Doc. # 733) is **GRANTED** to the extent that the money damages claims of Plaintiffs CB Roofing, Inc. and American Electric Motor Service, Inc. against all Defendants are **DISMISSED WITH PREJUDICE**. In all other respects, the Motion (Doc. # 733) is **DENIED**.

Alabama Subscriber Plaintiffs' Cross-Motion for Partial Summary Judgment on the Filed-Rate Doctrine (Doc. # 770) is **GRANTED** to the extent that the Filed Rate affirmative defense is **UNAVAILABLE** as a defense to the claims of any Subscriber Plaintiff who paid a rate that varied upward from the filed rate. In all other respects, the Motion (Doc. # 770) is **DENIED**.

DONE and **ORDERED** this February 23, 2017.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE