

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MARIANNE DUFFY, by her parents and)
legal guardians, SEAN and ELISE DUFFY,)

Plaintiff,)

v.)

No. 05-CV-127-GMS

VINCENT MECONI, Secretary, Delaware)
Department of Health & Social Services, in)
his official capacity, et al.)

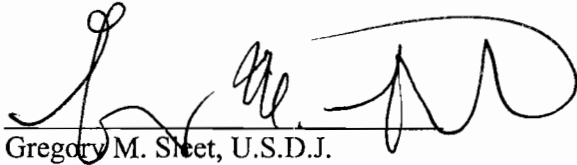
Defendants.)

ORDER

AND NOW, this 11th day of Sept., 2008, upon consideration of Defendants' Uncontested Motion to Vacate this Court's September 11, 2007 Summary Judgment Opinion and Order, the Court having been apprised that plaintiff does not oppose the request in light of the settlement negotiated between the parties, under the auspices of the Third Circuit's Appellate Mediation Program, while the matter has been on appeal to the United States Court of Appeals for the Third Circuit, it is hereby ORDERED that the Motion is GRANTED.

This Court's Summary Judgment Opinion and Order, dated September 11, 2007 [D.I. 74] is hereby VACATED.

BY THE COURT:


Gregory M. Sheet, U.S.D.J.

