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States Court of Appeals
for the Third Circuit

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Rodriguez v. Our Lady Lourdes Med

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PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 06-5207

RENEE RODRIGUEZ; BARBARA KING, In the Name of the United
States Government Pursuant to the False Claims Act, 31
U.S.C. Section 3730, and Individually Pursuant to the New
Jersey Conscientious Employee Protection Act

Appellants

v.

OUR LADY OF LOURDES MEDICAL CENTER

Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 06-cv-00129)
District Judge: Honorable Robert B. Kugler

Submitted Under Third Circuit LAR 34.1(a)
December 1, 2008

Before: AMBRO, WEIS, and VAN ANTWERPEN, Circuit Judges

(Opinion filed December 30, 2008)

ORDER AMENDING PRECEDENTIAL OPINION

AMBRO, *Circuit Judge*

IT IS NOW ORDERED that the published Opinion in the above case filed December 30, 2008, be amended as follows:

On pages 11–12, starting at the fourth line from the bottom, replace

As such, we will uphold the District Court’s dismissal only if, accepting “all well pleaded factual allegations as true and draw[ing] all reasonable inferences from such allegations in favor of the complainant,” it is clear that Rodriguez and King cannot prove a set of facts that would entitle them to relief. *Worldcom, Inc. v. Graphnet, Inc.*, 343 F.3d 651, 653 (3d Cir. 2003).

with

As such, we “accept all factual allegations as true, construe the complaint in the light most favorable to the plaintiff, and determine whether, under any reasonable reading of the complaint, the plaintiff may be entitled to relief.” *Id.* at 233 (quoting *Pinker v. Roche Holdings Ltd.*, 292 F.3d 361, 374 n.7 (3d Cir. 2002)).

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: January 13, 2009

tmm/cc: Ross Begelman, Esq.
Brian P. Flaherty, Esq.
Gregory A. Lomax, Esq.
Stuart A. Minkowitz, Esq.
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