

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Nos. 09-6385; 09-6413

VENTAS, INC.,
Plaintiff - Appellee/Cross-Appellant,

v.

HCP, INC., fka Health Care Property Investors, Inc.,
Defendant - Appellant/Cross-Appellee.

Before: MERRITT, CLAY, and GRIFFIN, Circuit Judges.


JUDGMENT

On Appeal from the United States District Court
for the Western District of Kentucky at Louisville.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION WHEREOF, it is ORDERED that the district court's grant of judgment as a matter of law in favor of HCP, Inc. on Ventas, Inc.'s claim for punitive damages is REVERSED, and the case is REMANDED with instructions that the case proceed to trial on the single issue of punitive damages. The judgment is AFFIRMED in all other respects as previously entered by the district court on September 8, 2009, and shall constitute a partial final judgment pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

ENTERED BY ORDER OF THE COURT



Leonard Green, Clerk

FILED
May 17, 2011
LEONARD GREEN, Clerk