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September 21, 2004

VIA OVERNIGHT MAIL

Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1051
Rockville, Maryland 20852

RE: In re Korangy Radiology Associates, P.A., *et al.*
FDA Docket No. 2003H-0432

Dear Sir/Madam:

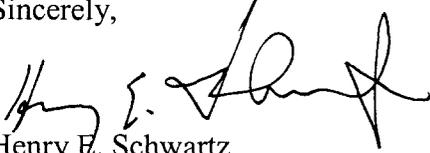
Enclosed for filing in the above-referenced matter please find an original and one copy of the FDA complaint filed In Re Ecumed Health Group, et al., on July 19, 2004. This document was retrieved from the FDA website.

The enclosed document represents the "third" FDA administrative action referred to in his testimony at the recent hearing by Mr. Devine. We are hereby asking Judge Davidson to accept this document into the record of the above-referenced case as a matter of judicial notice.

A draft order is enclosed.

Thank you for your attention to this filing. Please contact me with any questions.

Sincerely,


Henry E. Schwartz

Enclosures

cc: Amile Korangy, M.D.
Jennifer E. Dayok, Esquire
Hon. Daniel J. Davidson, ALJ

UNITED STATES OF AMERICA
BEFORE THE FOOD AND DRUG ADMINISTRATION
DEPARTMENT OF HEALTH AND HUMAN SERVICES

In the Matter of

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KORANGY RADIOLOGY ASSOCIATES, P.A.,
Trading as BALTIMORE IMAGING CENTERS,
A corporation,

*

ADMINISTRATIVE
COMPLAINT FOR
CIVIL MONEY PENALTY

And

FDA Docket: 2003H-0432

AMILE A. KORANGY, M.D.,
An individual

*

* * * * *

PROPOSED ORDER

Respondents filed a request for the admission into the record, through judicial notice, of a copy of the FDA complaint in In Re Ecumed Health Group, et al.

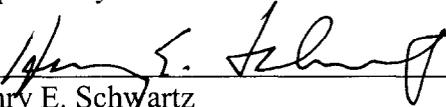
Accordingly, the Presiding Officer now finds that this tribunal may take judicial notice of publicly available documents in ongoing FDA proceedings.

Accordingly, it is ORDERED, ADJUDGED, AND DECREED, that:

Respondents' request for the admission into the record of the instant case of a copy of the FDA complaint in In Re Ecumed Health Group, et al., is GRANTED.

Daniel J. Davidson
Administrative Law Judge
U.S. Food and Drug Administration
Room 9-57, HF-3
5600 Fishers Lane
Rockville, MD 20857

Proposed by:

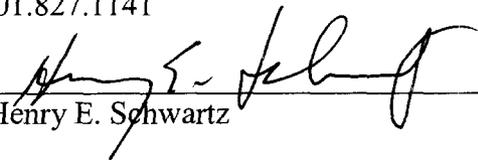


Henry E. Schwartz
Attorney for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21 day of September, 2004, a copy of the foregoing Proposed Order was mailed, first class, postage prepaid, to Complainant's Counsel, as follows:

Jennifer Dayok, Esquire
The Center for Devices and Radiological Health
United State Food and Drug Administration
5600 Fishers Lane (GCF-1)
Rockville, MD 20857
Telephone: 301.827.1141


Henry E. Schwartz