

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
08 CVS 7955

HOPE-A WOMEN'S CANCER CENTER, )  
P.A., and RALEIGH ORTHOPAEDIC )  
CLINIC, P.A., )

Plaintiffs, )

vs. )

STATE OF NORTH CAROLINA; )  
et al. )

Defendants. )

**MOTION FOR JUDGMENT**  
**ON THE PLEADINGS**  
(N.C. R. Civ. P. 12(c))

Pursuant to Rule 12(c) of the North Carolina Rules of Civil Procedure, Plaintiffs Hope-A Women's Cancer Center, P.A. and Raleigh Orthopaedic Clinic, P.A. (collectively, "Plaintiffs"), by and through their undersigned attorneys, hereby respectfully move this Court for an order granting judgment on the pleadings on Plaintiffs' First Amended Complaint. Plaintiffs are entitled to a judgment on the pleadings in their favor on the grounds that Chapter 131E, Article 9 of the North Carolina General Statutes (the "CON Law") and Executive Order No. 139 of Governor Michael F. Easley are, as applied, an unconstitutional delegation of legislative authority, and an unconstitutional violation of Plaintiffs' procedural due process and substantive due process rights. Plaintiffs are further entitled to a judgment on the pleadings in their favor on the grounds that the CON Law, Executive Order No. 139 of Governor Michael F. Easley, and 10A N.C.A.C. 14C.0402, as applied, deprive Plaintiffs of access to the courts for a redress of their grievances, and are, therefore, unconstitutional. Plaintiffs are further entitled to a judgment on the pleadings in their favor on their claim for monetary damages.

This the 16th day of January, 2009.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing Motion for Judgment on the Pleadings was served on the persons indicated below by United States Mail, first class, postage prepaid, addressed as follows:

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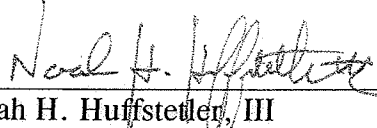
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This the 16<sup>th</sup> day of January, 2009.

  
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