



North Carolina Court of Appeals

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No. COA09-844

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

V

STATE OF NORTH CAROLINA; MICHAEL F. EASLEY,
Governor of the State of North Carolina, in his
official capacity; NORTH CAROLINA DEPARTMENT
OF HEALTH AND HUMAN SERVICES; DEMPSEY E.
BENTON, Secretary of the North Carolina
Department of Health and Human Services, in
his official capacity; DAN A. MYERS, M.D.,
Chairman of the North Carolina State Health
Coordinating Council, in his official capacity; JEFF
HORTON, Acting Director, Division of Health Service
Regulation, North Carolina Department of
Health and Human Services, in his official capacity;
and LEE B. HOFFMAN, Chief of the Certificate of
Need Section, Division of Health Service Regulation,
North Carolina Department of Health and Human
Services, in her official capacity,
Defendants.

From Wake
08CVS7955

ORDER

The Motion to Dismiss the Appeal for lack of substantial constitutional question filed by the Defendants is allowed and Petition for Discretionary Review to review the decision of the North Carolina Court of Appeals filed on the 8th of June 2010 was denied by order of the North Carolina Supreme Court on the 15th day of December 2010, and same has been certified to the North Carolina Court of Appeals.

IT IS THEREFORE CERTIFIED to the Wake County, North Carolina that the North Carolina Supreme Court has allowed the Motion to Dismiss the Appeal for lack of substantial constitutional question filed by the Defendants and denied the Petition for Discretionary Review filed by the Plaintiffs in this cause.

WITNESS my hand and official seal this the 7th day of January 2011.



John H. Connell
Clerk, North Carolina Court of Appeals

Copy to:

Mr. Noah H. Huffstetler, Attorney at Law, For Hope-A Women, et al

Mr. Robert Orr, Attorney at Law, For Hope-A Women, et al

Mr. Mark A. Davis, Special Deputy Attorney General, For State of North Carolina, et al