

HOPE-A WOMEN'S CANCER CENTER, P.A., and RALEIGH ORTHOPAEDIC CLINIC, P.A., Plaintiffs, v STATE OF NORTH CAROLINA; BEVERLY EAVES PERDUE (formerly MICHAEL F. EASLEY), Governor of the State of North Carolina, in her official capacity; NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES; LANIER M. CANSLER (formerly 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

No. 244P10

SUPREME COURT OF NORTH CAROLINA

2010 N.C. LEXIS 1070

December 15, 2010, Decided

NOTICE: DECISION WITHOUT PUBLISHED OPINION

PRIOR HISTORY: [*1]

From NC Court of Appeals. (09-844). From Wake. (08CVS7955). *Hope-A Women's Cancer Ctr. v. State, 2010 N.C. App. LEXIS 1381 (N.C. Ct. App., May 4, 2010)*

COUNSEL: Mr. Noah H. Huffstetler, III, 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.

JUDGES: Hudson, J.

OPINION BY: Hudson

OPINION

ORDER

Upon consideration of the notice of appeal from the North Carolina Court of Appeals, filed by the Plaintiffs on the 8th of June 2010 in this matter pursuant to *G.S. 7A-30*, and the motion to dismiss the appeal for lack of substantial constitutional question filed by the Defendants, the following order was entered and is hereby certified to the North Carolina Court of Appeals: the motion to dismiss the appeal is

"Allowed by order of the Court in conference, this the 15th of December 2010."

/s/ Hudson, J.

For the Court

Upon consideration of the petition filed on the 8th of June 2010 by Plaintiffs in this matter for discretionary review of the decision of the North Carolina Court of Appeals pursuant to *G.S. 7A-31*, the following order was entered and is hereby certified to the North Carolina Court of Appeals:

"Denied by order of the Court in conference, this the 15th of December 2010."

/s/ Hudson, J.

For the Court