

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
08 CVS 007955

WAKE COUNTY

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

Plaintiffs,)

vs.)

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,)

and)

ASHEVILLE RADIOLOGY ASSOCIATES, P.A.;)
BLUE RIDGE DAY SURGERY CENTER)
LIMITED PARTNERSHIP; THE CHARLOTTE-)
MECKLENBURG HOSPITAL AUTHORITY)
d/b/a/ CAROLINAS HEALTHCARE SYSTEM;)
CHARLOTTE SURGERY CENTER, LIMITED)
PARTNERSHIP; CUMBERLAND COUNTY)
HOSPITAL SYSTEM, INC. d/b/a CAPE FEAR)
VALLEY HEALTH SYSTEM; GREENSBORO)
SPECIALTY SURGERY CENTER, LIMITED)
PARTNERSHIP; HIGH POINT REGIONAL)
HEALTH SYSTEM; MISSION HOSPITAL, INC.;)

BY _____

WAKE COUNTY, C.

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FILED

JOINT STATEMENT OF)
DEFENDANT-INTERVENORS)
IN SUPPORT OF)
DEFENDANTS' AMENDED)
MOTION TO DISQUALIFY)

[OTHR]

THE MOSES H. CONE MEMORIAL HOSPITAL)
 OPERATING CORPORATION d/b/a THE)
 MOSES CONE HEALTH SYSTEM; NORTH)
 CAROLINA BAPTIST HOSPITAL; THE NORTH)
 CAROLINA HEALTH CARE FACILITIES)
 ASSOCIATION, INC; THE NORTH CAROLINA)
 HOSPITAL ASSOCIATION; PITT COUNTY)
 MEMORIAL HOSPITAL, INC.; REX HOSPITAL,)
 INC.; SURGERY CENTER OF SOUTHERN)
 PINES, LLC; SURGICAL CARE AFFILIATES,)
 LLC; WAKE FOREST UNIVERSITY HEALTH)
 SCIENCES; and WAKEMED;)
)
 Defendant-Intervenors.)
 _____)

Defendant-Intervenors, Asheville Radiology Associates, P.A., Blue Ridge Day Surgery Center Limited Partnership, The Charlotte-Mecklenburg Hospital Authority d/b/a Carolinas HealthCare System, Charlotte Surgery Center, Limited Partnership, Cumberland County Hospital System, Inc. d/b/a Cape Fear Valley Health System, Greensboro Specialty Surgery Center, Limited Partnership, High Point Regional Health System, Mission Hospital, Inc., The Moses H. Cone Memorial Hospital Operating Corporation d/b/a The Moses Cone Health System, North Carolina Baptist Hospital, The North Carolina Health Care Facilities Association, Inc., The North Carolina Hospital Association, Pitt County Memorial Hospital, Inc., Rex Hospital, Inc., Surgery Center of Southern Pines, LLC, Surgical Care Affiliates, LLC, Wake Forest University Health Sciences, and WakeMed (collectively "Defendant-Intervenors"), submit this joint statement in support of the Defendants' Amended Motion to Disqualify. This joint statement is being submitted to the Court in lieu of filing a joint brief on the disqualification issue.

Defendant-Intervenors support the Defendants' Amended Motion to Disqualify and the arguments raised therein as well in the Defendants' brief in support. Under North Carolina law,

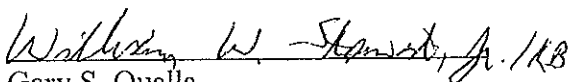
a corporation such as the North Carolina Institute for Constitutional Law, which is not a professional corporation registered under a trade name with the North Carolina State Bar, may not practice law. Neither the corporation nor its employees, even though licensed as attorneys, may properly undertake to represent the Plaintiffs in this litigation. Accordingly, Defendant-Intervenors respectfully request that the Court grant the relief sought by the Defendants' Amended Motion to Disqualify.

Respectfully submitted, this the 16th day of January, 2009.

K&L GATES LLP

Counsel to The Charlotte-Mecklenburg Hospital Authority d/b/a Carolinas HealthCare System, Cumberland County Hospital System, Inc. d/b/a Cape Fear Valley Health System, High Point Regional Health System, Rex Hospital, Inc., Pitt County Memorial Hospital, Inc.

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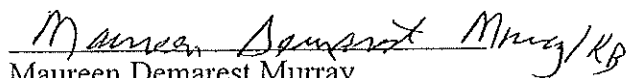


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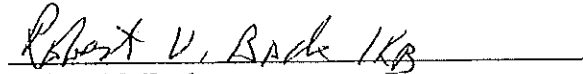


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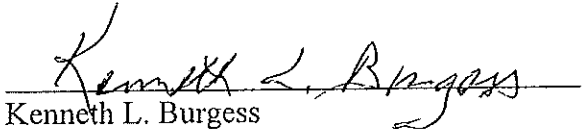


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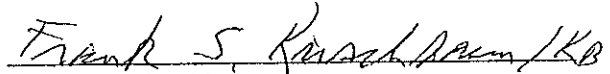


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CERTIFICATE OF SERVICE

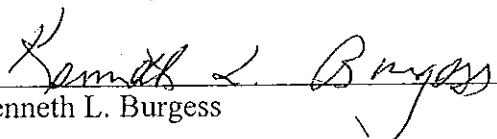
The undersigned hereby certifies that on this day a true copy of the foregoing document was served on the following by United States Mail, First Class postage pre-paid, and addressed as follows:

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This the 16th day of January, 2009.



Kenneth L. Burgess