

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

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|--------------------------------------|---|--------------------------------|
| FALLS CHURCH MEDICAL CENTER, |) | |
| LLC d/b/a FALLS CHURCH |) | |
| HEALTHCARE CENTER, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Civil Action No. 3:18cv428-HEH |
| |) | |
| M. NORMAN OLIVER, VIRGINIA |) | |
| HEALTH COMMISSIONER, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |


ORDER
(Granting in Part Defendants’ Motions to Dismiss)

THIS MATTER comes before the Court on Defendants’ Motions to Dismiss (ECF Nos. 20, 22). With the regard to Count VI of Plaintiffs’ Amended Complaint (ECF No. 41), and for the reasons stated in this Court’s attached Memorandum Opinion, the Court GRANTS Defendants’ Motions and that Count of the Amended Complaint is DISMISSED. Further, Plaintiffs’ Counts III and IV may proceed to the extent that each count presents an as-applied challenge to Virginia’s regulatory scheme; however, to the extent that Plaintiffs’ Counts III and IV facially challenge the regulatory scheme, those allegations are similarly DISMISSED. Regarding the remaining Counts contained in Plaintiffs’ Amended Complaint (Counts I, II, V, VII, and VIII), and for the reasons fully stated in the attached Memorandum Opinion, Defendants’ Motions to Dismiss are DENIED and the Amended Complaint survives scrutiny under Rule 12(b).

The Clerk is directed to send a copy of the Memorandum Opinion and this Order

to all counsel of record.

It is so ORDERED.



/s/
Henry E. Hudson
Senior United States District Judge

Date: Sept. 26, 2018
Richmond, VA