

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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CHILDREN’S HOSPITAL ASSOCIATION OF	)	
TEXAS; CHILDREN’S HEALTH CARE d/b/a	)	
CHILDREN’S HOSPITAL AND CLINICS OF	)	
MINNESOTA; GILLETTE CHILDREN’S	)	
SPECIALTY HEALTHCARE; CHILDREN’S	)	
HOSPITAL OF THE KING’S DAUGHTERS,	)	
INC.; and SEATTLE CHILDREN’S HOSPITAL,	)	Civil Action No. 17-844 (EGS)
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
THOMAS E. PRICE, in his official	)	
capacity, Secretary of Health and	)	
Human Services; SEEMA VERMA, in her	)	
official capacity, Administrator of	)	
the Centers for Medicare and Medicaid	)	
Services; and CENTERS FOR MEDICARE	)	
AND MEDICAID SERVICES,	)	
	)	
Defendants.	)	

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**ORDER**

Upon consideration of plaintiffs’ motion for summary judgment, defendants’ motion to strike, defendants’ cross-motion for summary judgment, the memoranda in support and opposition to these motions, the arguments made by the parties at the hearing on August 1, 2017, the portions of the administrative record submitted by the parties, and for the reasons that will be explained fully in a forthcoming Memorandum Opinion, it is hereby

**ORDERED** that the defendants’ motion to strike, ECF No. 14, is **GRANTED** and the exhibits located at ECF Nos. 12-3, 12-5, 12-

7, 12-12, 12-24, 12-26 to 12-28, and 12-30 to 12-38 are stricken from the record; and it is

**FURTHER ORDERED** that plaintiffs' motion for summary judgment, ECF No. 12, is **GRANTED**; and it is

**FURTHER ORDERED** that defendants' cross-motion for summary judgment, ECF No. 15, is **DENIED**; and it is

**FURTHER ORDERED** that plaintiffs' motion for a preliminary injunction, ECF No. 8, is **DENIED** as moot; and it is

**FURTHER ORDERED** that the final rule, Medicaid Program: Disproportionate Share Hospital Payments - Treatment of Third Party Payers in Calculating Uncompensated Care Costs, which is published at 82 Fed. Reg. 16114-02, 16117 is hereby **VACATED**; and it is

**FURTHER ORDERED** that plaintiffs' motion for a hearing, ECF No. 32, is **DENIED** as moot.

Upon posting of the Memorandum Opinion, this Order will be final pursuant to Federal Rule of Civil Procedure 54.

**SO ORDERED.**

Signed: **Emmet G. Sullivan**  
**United States District Judge**  
**March 2, 2018**