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

FALLS CHURCH MEDICAL CENTER,)	
LLC d/b/a FALLS CHURCH)	
HEALTHCARE CENTER, et al.,)	
)	
Plaintiffs,)	
)	
V.)	
)	
M. NORMAN OLIVER, Virginia Health)	
Commissioner, et al.,)	
)	
Defendants.)	

Case No. 3:18-cv-00428-HEH

MOTION TO DISMISS PLAINTIFFS' COMPLAINT

Defendants M. Norman Oliver, Robert Payne, Faye O. Prichard, Theophani Stamos, Shannon L. Taylor, Anton Bell, Michael N. Herring, and Colin Stolle, by counsel, move to dismiss the complaint in its entirety. For reasons more fully stated in the accompanying memorandum of law in support of this motion, Defendants respectfully request that:

- Count I be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;
- Count II be dismissed without prejudice in light of ongoing state judicial and administrative proceedings or, in the alternative, be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;
- Count III be dismissed under Rule 12(b)(1) for lack of subject-matter jurisdiction because plaintiffs lack standing to bring it;
- Count IV be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;

- Count V be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;
- Count VI be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted;
- Count VII be dismissed under Rule 12(b)(1) for lack of subject-matter jurisdiction because plaintiffs lack standing to bring it; and
- Count VIII be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted.

Dated: July 13, 2018

Respectfully submitted,

M. NORMAN OLIVER, Virginia Health Commissioner, ROBERT PAYNE, Acting Director of Virginia Department of Health's Office of Licensure and Certification, FAYE O. PRICHARD, Chairperson of the Virginia Board of Health, THEOPHANI STAMOS, Commonwealth's Attorney for Arlington County and the City of Falls Church, SHANNON L. TAYLOR, Commonwealth's Attorney for Henrico County, ANTON BELL, Commonwealth's Attorney for the City of Hampton, MICHAEL N. HERRING, Commonwealth's Attorney for the City of Richmond, COLIN STOLLE, Commonwealth's Attorney for the City of Virginia Beach

By: /s/

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Cynthia V. Bailey Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2018, a true and accurate copy of this paper was filed

electronically with the Court's CM/ECF system, which will automatically effectuate service on:

Claire Guthrie Gastanaga ACLU of Virginia 701 E. Franklin Street Suite 1412 Richmond, VA 23219 claire@acluva.org

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By: /s/ Matthew R. McGuire